

Committee Report,
Austin, Texas, Feb. 4, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 119, A bill to be entitled "An Act to provide for the survey and marking of the coast line of Texas within tide water limits and the employment of surveyors for that purpose; adopting the mean high tide water line as the property line between public and private property; prescribing the duty of surveyors, providing for suits against the State by land owners when they are unwilling to accept the line approved by the Commissioners of the General Land Office; providing for the compensation of surveyors and necessary help; providing penalty for one who may be found guilty of moving or destroying any mark or monument erected by a surveyor as a mark in the survey of the line herein provided for, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 8, proposing an amendment to Section 50 of Article 3 of the Constitution of the State of Texas,

Have had same under consideration, and I am instructed by the committee to report said resolution back to the Senate with the recommendation that it do pass.

WOODS, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments to whom was referred

S. J. R. No. 5, proposing an amendment article and of the Constitution of the State of Texas, relating to the judicial department thereof, being a substitute for said article, and all of the sections and provisions thereof,

Have had same under consideration,

and I am instructed by the committee to report same back to the Senate with the recommendation that it do pass, with committee amendment.

WOODS, Chairman.

Committee amendment to S. J. R. No. 5:

Amend Section 4 of said resolution by inserting therein as the date upon which the election shall be held: "The first Tuesday after the first Monday in November, A. D. 1922."

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
Monday, Feb. 7, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the Secretary of the Senate, W. V. Howerton.

The roll was called, a quorum being present, the following Senators answered to their names:

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|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Buchanan. | Murphy. |
| Clark. | Parr |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Hall. | Wood. |
| Harp. | Woods |
| Hertzberg. | |

Absent.

| | |
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| Carlock. | Suiter. |
| Page. | |

Absent—Excused.

Dorough.

On account of the absence of the President of the Senate and the President Pro Tempore of the Senate, the Secretary called to the Chair Senator Bailey, who, under rule 5 of the Senate, had been designated by the President Pro Tempore, to preside during the absence of the two presiding officers and who was unanimously requested by the Senate

to accept the appointment.

The Secretary of the Senate administered the Constitutional oath of office to Senator Bailey, as President Pro Tem. Ad Interim, to serve during the absence of the President and President Pro Tem.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

See appendix for Standing Committee reports.

Committee Report From Privileges and Elections.

Committee Room,

Austin, Texas, Feb. 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred the matter of Reno Eickenroht, contestant, vs. C. F. Richards, contestee, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that all of the contestee's demurrers be overruled and taken with the case, and that the evidence be adduced, and that all of the pleadings be published in the Senate Journal, and we further request that all of the Senate be added to the Committee on Privileges and Elections in order that they may hear the evidence in full when the same is introduced.

Cousins, Bailey, Buchanan, Murphy, McNealus, Dorough.

The above report was read, and Senator Cousins moved that the report be adopted, and that all members of the Senate be added to the Committee on Privileges and Elections.

Senator Fairchild moved as a substitute, to postpone further consideration of the report until tomorrow morning, for the reason that the exceptions should have been sustained.

Senator McNealus asked that the pleadings also be printed in the Journal. The amendment was accepted.

The Fairchild motion was adopted, and

Pleadings.

Following are the pleadings as filed with the Secretary and Journal Clerk:

Reno Eickenroht

vs.

C. F. Richards.

Petition and Statement of Contest.

Filed the 28th day of December, 1920.

J. R. WILHELM,

County Judge, Hays County, and Returning Officer of 21st Senatorial District of Texas.

Filed in the Senate this 11th day of January, 1921, at 12:15 o'clock p. m.

W. V. HOWERTON,

Secretary of the Senate.

January 19, 1921, referred to Committee on Privileges and Elections.

The State of Texas)
County of Guadalupe.)

Contest to the Senate of the State of Texas, Regular Session of 1921, at Austin, Texas.

To the Honorable President of the Senate of Texas.

Reno Eickenroht, who resides in Guadalupe County, Texas, hereinafter styled contestant, complaining of C. F. Richards, who resides in Caldwell County, Texas, hereinafter styled contestee, respectfully represents:

That the contestee, according to the returns of the election, being a general election, held on the 2nd day of November, A. D. 1920, as such returns were made to J. R. Wilhelm, County Judge of Hays County, Texas, the returning officer in cases of elections for State Senator of the 21st Senatorial District of Texas, by the several county judges of the counties composing said senatorial district, is entitled to a certificate of election to the State Senate of Texas from said 21st Senatorial District and a certificate of election has been issued to him by such returning officer; but, in truth and in fact, the contestee was not legally elected to said office at said general election, and, because of irregularities and illegality in the conduct thereof, either the contestant was elected to said office, or there was no election, the election being void as to such office, the irregularities and illegality complained of being as follows:

There were only two candidates for the office of State Senate from said 21st Senatorial District of Texas at said general election held on November 2nd, 1920, who were entitled to have their names placed in

the official ballots voted at said election, viz.: The contestant, who was regularly nominated as the republican candidate for said office by a district convention of the republican party held in New Braunfels, Comal County, Texas, on the 28th day of August, A. D. 1920; and the contestee, who was regularly nominated as a candidate therefor at the primary of the democratic party held on the 4th Saturday of July, 1920. That at the time the convention was held at which contestant was nominated the republican party was a regularly formed and organized political party of the State of Texas, and said party's nominee for Governor in the last preceding general election, prior to said district convention, had received as many as ten thousand and less than one hundred thousand votes; and the State committee of said party had met and decided, and by resolution declared (which resolution was certified to the Secretary of State of the State of Texas) their intention to nominate their candidates for State, district and county offices by the convention method, all as provided by Articles 3159-3160 of the Revised Statutes of Texas. That said district convention of the republican party was duly held in accordance with a call issued and notice given in due and proper time by the district executive committee of said party for said 21st Senatorial District of Texas all as provided by Article 3161 and Article 3136, as amended by Act of February 18, 1915, Chapter 16, paragraph 1, which district convention was composed of delegates duly selected by county conventions of said republican party held in the several counties of the district in accordance with the provisions of Article 3134 of the Revised Statutes of Texas. That Arthur W. Bergfeld was the chairman of the district executive committee of the republican party for said senatorial district, he being county chairman of such party for Comal County, and residing within said county, and was chairman of said district convention, at which contestant was duly nominated.

The said chairman of the district executive committee of the republican party for the 21st Senatorial District of Texas certified to the Secretary of State of the State of Texas,

and caused to be delivered to said Secretary of State a certificate showing the nomination of contestant by said senatorial district convention as a candidate for State Senator from said senatorial district, in due time for the name of contestant to have been certified by said Secretary of State as the nominee of said party for said office to the various county clerks of said senatorial district a sufficient time prior to the date of holding said election for such clerks to have included the name of contestant as a candidate for said office on the republican ticket on the official ballot, prepared, printed and voted in each of the counties of the district at such election; and the contestant here alleges that if said Secretary of State had, in accordance with his official and legal duty, certified contestant's name as a candidate for said office on the republican ticket to the various county clerks of the district as soon as the aforesaid certificate of nomination was delivered to him, contestant's name would have appeared as such candidate on all the official ballots prepared, used and voted at said election in all the counties of said district. But the said Secretary of State, contrary to his legal and official duty, failed and refused to so certify contestant's name as a candidate for such office until he was compelled so to do by order of the Supreme Court of the State of Texas, by judgment entered therein on the 27th day of October, 1920, said judgment and order of the Supreme Court entered in a mandamus proceeding instituted by this contestant, styled Reno Eickenroht, Relator, vs. C. D. Mims, Secretary of State, Respondent, and which judgment and order of the court is res adjudicata of the duty and legal liability of said Secretary of State to so certify the name of contestant as a candidate for said office, and contestant now here so pleads and sets up such judgment and order of the court.

Immediately upon the decision of said cause and the rendition of said judgment, and on the same day, viz., October 27, 1920, the said Secretary of State notified the county clerks of the various counties of said 21st Senatorial District to place the name of contestant as a candidate of the republican party for State Senator for said 21st Senatorial District on

the official ballots prepared and to be used at the general election held November 2nd, 1920, such notification being given by telegrams addressed to said clerks, and by certificates of contestant's nomination for said office, mailed to the various county clerks of said district on the same day. That by the time such notice and certificate of nomination reached the several county clerks of said district, the official ballots to be used at the said general election in each county of the district had been printed; but there was sufficient time, after the notice and certificate of the Secretary of State informing the county clerks of the district of contestant's candidacy were received by such clerks to reprint the official ballots and have contestant's name printed and included thereon as a candidate for State Senator from the 21st Senatorial District of Texas, and such official ballots were in fact reprinted or changed in the counties of Comal, Caldwell, Hays and Guadalupe so as to contain and include the name of contestant for such office on the republican ticket. The official ballots used and voted in the counties of Gonzales and Blanco, within said district, however, did not contain the name of contestant as such candidate, and contestant's name wholly failed to so appear on the official ballots handed out and voted at the said general election in said counties. In this connection, the contestant would show that the officials of Gonzales County, whose duty it was to have prepared the official ballots to be used at said election in that county, did have prepared stickers or pasters with contestant's name printed thereon, and furnished the same to the various election officials who presided at and held said general election in said county, with instructions to paste the same on each official ballot furnished each voter at such election under the name of the office for which contestant was a candidate. Such stickers or pasters were so placed by the election officials on a great number of the ballots voted in Gonzales County at such election, but in several boxes of the county, the names and numbers of all of which boxes are unknown to contestant, the election officials wilfully, and for the purpose of depriving contestant of votes which he would have received, refused to place such

pasters or stickers on the official ballot, and especially was this true in voting box No. 4 in the town of Gonzales. Now, contestant charges that by reason of the failure and refusal to place his name as such candidate on all the official ballots used and voted in Gonzales County he was deprived of the votes of that class of voters who voted the republican ticket generally at said election, the names of all of which the contestant cannot give, but the number of which was at least 150; that on at least five hundred of the ballots voted at said election and counted for contestee pasters or stickers had been used, in violation of the statutes of Texas, and which votes should not have been counted, the names of the voters who cast such ballots and the exact number of such ballots so counted for the contestee being unknown to contestant, and he having no means of ascertaining such facts, except by having the ballot boxes containing the ballots cast in said county at such election opened and the ballots inspected and compared with the poll lists of said election. According to the returns made by the County Judge of Gonzales County contestant received 528 votes and contestee received 1,491 votes, a majority of 963 votes for contestee; but if contestant's name had been properly printed on all the official ballots voted at said election the contestee's majority would not have exceeded 800 votes, approximately, because contestant would then have received all the votes of the republican voters of said county, and if no votes had been counted for the office to which contestant was a candidate where the ballots voted contained a paster or sticker (the statutes of Texas providing that such ballots shall not be counted), the contestee's majority would not have exceeded 400 votes, approximately, in said county.

In reference to the election held in Blanco County, contestant represents that contestee received 508 votes therein, according to the official returns made by the County Judge of said county, and the contestant received 44 votes, a majority of 464 votes for the contestee; that there were approximately 650 votes cast in said county by the republican voters thereof, on whose ballots neither contestant nor contestee was voted for

as a candidate for the office of State Senator, but such republican voters, as a class, would have voted for contestant if his name had been printed on the official ballots voted at said election, in which event there would have been approximately 505 votes cast for contestee in said county and approximately 610 votes cast for contestant, and contestant failed to receive approximately 500 votes from that class of voters known as republican voters in said county, which he would have received if his name had been printed on the official ballot used and voted in said county.

Contestant alleges that according to the official returns made and filed by the several county judges of the counties composing said 21st Senatorial District, with the returning officer thereof, the contestee received 293 votes more than contestant for the office of State Senator in said district; but, except for the irregularities and illegality in the conduct of the election in Gonzales County and Blanco County, as aforesaid, contestant would have received a majority of the votes for said office, as is manifest for the facts above set forth. Contestant is unable to say whether the officials of Gonzales and Blanco counties acted fraudulently in failing and refusing to have contestant's name printed on the official ballots voted in said counties at said election, but the contestant was, nevertheless, deprived of a substantial and valuable right by having his name so withheld from the official ballots of said counties.

That the contestee has been served with a notice of this contest and a copy of this petition, as will appear from such notice and return thereof, hereto attached.

Wherefore, contestant respectfully prays that this contest be referred to the Committee on Privileges and Elections of your honorable body; that said committee set the matter for hearing, and hear evidence of the matters herein alleged; that the ballot boxes used in said election in Gonzales County be brought before said committee and the votes therein deposited be inspected and counted and all votes by ballots containing stickers or pasters be not counted as votes for either candidate for the office of State Senator for the 21st Senatorial District, and if it appears

after such recount, from a canvass of all the returns of said district, that contestant received more votes than were received by contestee on such proper recount, that contestant be held legally elected to such office, or that such committee hear evidence to determine what would have been the result of said election as to such office as between contestant and contestee had the name of contestant been printed on the official ballots used and voted at said election in Gonzales and Blanco counties, and such result so declared; or, in the alternative, if it be found impossible to ascertain the true result, then that said election be declared void and such office be declared vacant; and that such proceedings be had hereon and such relief be granted contestant, generally, as by virtue of his cause he is entitled to receive.

Wurzbach & Wirtz and Dibrell & Mooheim, Attorneys for Contestant, Reno Eickenroht.

The State of Texas)
County of Guadalupe)

Before me, the undersigned authority, on this day personally appeared Reno Eickenroht, who, being by me duly sworn, deposes and says: That he is the identical person named as contestant in the foregoing petition of contest, and that the facts therein alleged are substantially true.

RENO EICKENROHT.

Subscribed and sworn to before me, this 10th day of December, A. D. 1920.

H. A. HEIDEKI.

County Clerk Guadalupe County.
(Seal)

Filed this 28th day of December, 1920.

J. R. WILHELM.
County Judge of Hays County, and
Retiring Officer of Twenty-first
Senatorial District of Texas.

Filed in the Senate this 11th day of
January, 1921, at 12:15 o'clock p. m.

W. V. HOWERTON,
Secretary of the Senate.

January 19, 1921, referred to Committee on Privileges and Elections.

Reno Eickenroht, Contestant,
vs.

C. F. Richards, Contestee

In the Senate of the State of Texas,
Regular Session, 1921.

Now, in the above styled cause, comes the contestee, C. F. Richards, and who is a resident citizen of Caldwell County, and which county is within the Twenty-first Senatorial District of Texas, and in answer to the petition and statement of grounds for contest, filed herein, by the Contestant, Reno Eickenroht, and demurs to the sufficiency of the grounds set up in said petition, and says that the same is insufficient in law and in equity to entitle the Contestant to the relief prayed for, or to any relief.

Further specially excepting to said petition and to the grounds therein set out, the Contestee says that the same is insufficient because the same fails to allege any wrongful act, or illegal act on the part of this Contestee, and fails to allege any reason in law or in equity why the contestant should be granted the relief prayed for.

Further specially excepting to the sufficiency of said petition and the grounds therein alleged, the contestee says that the same shows no reason for said contest, and does not allege any misconduct on the part of the officers holding said election, or any other reason that tends to show that the result of said election, as alleged in said petition, was not a fair expression of the voters of said Twenty-first Senatorial District, and alleges no grounds why the results should be set aside.

Further specially excepting to said petition and to the grounds set up therein, the contestee says that the same is insufficient in that the petition shows upon its face that the contestee is guilty of no wrong, fraud or misconduct, and is in no manner responsible for the alleged wrongs of other parties, and that if said wrongs were committed, as alleged, that no fact is shown or alleged that such alleged wrongful acts of other parties controlled or in any manner affected a fair expression and choice of the voters of said senatorial district.

The contestee specially excepts to all that portion of said petition in which contestant attempts to allege illegality and irregularities in the election in Gonzales County, Texas, in that the name of the contestant was pasted upon the ballots so voted in said county, and this contestee says that if such facts are true, under the laws of this

State, such facts would not vitiate the ballots upon which the name of said contestant was pasted, as the statutes regulating the ballots to be voted in elections in this State only provide that a name pasted upon ballot, under certain conditions, can only affect and destroy said ballots so voted as to the name so pasted upon said ballot.

The contestee further specially excepts to all that portion of said petition alleging the pasting of contestant's name upon the ballot in Gonzales County, Texas, and says that such allegations, if true, constitute no grounds of relief to the contestant, for the reason that it is not alleged that any of the votes so cast for the contestant were not counted by the officers of said election, and because it is not alleged or shown that by reason of the pasting of the contestant's name upon said ballots, any elector and qualified voter of said county was deprived of the right of suffrage, and of his free choice of candidates between the contestant and this contestee, and there is no fact alleged showing that by reason of the pasting of contestant's name upon said ballots the contestant lost and was deprived of any votes in said county, or that the pasting of said name upon said ballots was the cause of the results of said election in said county.

Further specially excepting to all that portion of said petition alleging that if it had not been for the alleged fact of the contestant's name having been omitted from the ballots in said county the contestant would have received 150 votes more than he did receive is insufficient, because the same is speculative and no fact is alleged or shown upon which such allegation is based, and because the petition shows upon its face that such fact, if true, would not under the facts and figures set out in said petition have changed the results of said election, as alleged in said petition.

Further specially excepting to all that portion of said petition alleging the 500 votes in Gonzales County were illegally counted for the contestee, the contestee says that the same is insufficient for the reason that the illegality alleged why said votes were illegally counted for the contestee, is that the contestant's name had been pasted thereon as a Republican candidate for the office of Senator of the Twenty-first Senatorial District of Texas, and such facts, if true, would not, under

the laws of Texas, affect any ballot voted and cast for the contestee, but could only affect the ballots voted and cast for the contestant.

Further specially excepting to all that portion of said petition wherein it is alleged that the contestant's name was omitted from the ballots in Blanco County, Texas, at said election, contestee says that same is insufficient and does not allege any fact showing grounds for any relief for the contestant and because it is not alleged or shown that such omission was responsible for the result of said election, or that the same deprived the voters of said county of their free choice in voting for the contestant and the contestee, because it is affirmatively shown in said petition that the contestant did receive votes in said county, and there is no reason alleged or shown why he did not receive the number of votes that he alleged he should have received in said county, and because it affirmatively appears in said petition that the contestant was not entitled, under the law, to have his name placed upon the ballots in said Blanco County.

Further specially excepting to all that portion of said petition wherein the contestant alleges that the Senatorial Chairman of the Republican party certified his name to the Secretary of State as a nominee of the Republican party of said Senatorial District for State Senator a sufficient time for the same to have been certified to the various county clerks of said district to have the contestant's name placed upon the official ballots of the several counties of said district, for the reason that said allegation is a conclusion of the pleader and no fact is alleged to show whether or not the contestant's name as a nominee of the Republican party for Senator of said Senatorial District was properly and legally certified to the Secretary of State as required by the statute of Texas regulating the placing of names of candidates upon the official ballots to be voted at the general election for office in Texas.

Further specially excepting to all that portion of said petition in which the contestant alleges the notification of the several clerks of the counties in said senatorial district by the Secretary of State to place contestant's name upon the ballots as the Republican nominee for Senator of said district, and says that the same is insufficient for the reason that it affirma-

tively appears in said petition that the ballots to be voted at said election had then been printed and ready for said election, and there are no facts alleged that after receiving said notification the clerks of Blanco County and of Gonzales County had sufficient time and could have before said election had said ballots reprinted with the contestant's name thereon as a candidate for the office of Senator for said district on the Republican ticket.

Wherefore, the contestee respectfully asks that his general demurrer and special exceptions be sustained, and that said petition and the attempt at contest therein be denied and dismissed; that contestee's seat as the Senator of the Twenty-first Senatorial District of Texas be in all things confirmed, and that the contestee go hence without a day.

C. F. RICHARDS,

Contestee.

For answer in case his demurrer and special exception should be overruled and not otherwise, the contestee denies all and singular the allegations in said petition contained, and says that they are not true, except such as are hereinafter admitted to be true.

The contestee admits that he and the contestant were the only candidates for the office of Senator of the Twenty-first Senatorial District of Texas at the November election, 1920, and he admits that at said election the contestee received 293 more votes than the contestant and that when the votes of said district were duly counted the contestee was duly declared elected Senator for said district and given a certificate of his election by the proper official of said district.

The contestee specially denies that the contestant's name as a candidate for Senator of the Twenty-first Senatorial District of Texas should have been placed upon the official ballot in said Senatorial District for the general election held November 2nd, 1920, and he says in this connection that the contestant's name, as the nominee of the Republican party for the office of Senator of said Senatorial District, has never been certified by the proper officials to the Secretary of State, or to the several county clerks of the several counties composing said Senatorial District.

Further answering herein contestee says that if the clerks of Blanco County and of Gonzales County did have legal notice to place the contestant's

name upon the official ballot, which fact is not admitted but denied, and if contestant's name was entitled legally to be placed upon said ballot, which fact is not admitted but denied, then the contestee says that the same was received within so short a time before said election, to wit three days, that said clerks could not by the use of ordinary prudence and diligence have reprinted all of said ballots and distributed the same among the various election officers of said counties.

Further answering herein, the contestee says that if the contestant's name was omitted from the official ballots of the November election, 1920, in the counties of Blanco and Gonzales, as alleged, then contestee says that such omission was the direct cause of the negligence on the part of the contestant herein, and is due to the fact that he negligently failed to have his name as the Republican candidate for the office of State Senator from said district duly, properly and legally certified to the Secretary of State so as to enable said officer to certify the same to the various county clerks of the several counties in said Senatorial District within the time required by law, and before the official ballots had been made up and printed and distributed among the election officers of said counties, and in this connection the contestee says and alleges the facts to be that if the clerks of Gonzales and Blanco county did receive notification to place the contestant's name upon said ballots as the Republican candidate for Senator of said district the same was received after all the ballots had been printed and distributed among the several election officers in said counties, and that from the time of the receipt of said notification to the date of the election only three days intervened, one of which was Sunday, and the clerks of said counties could not with the facilities at their hands by the use of due care and diligence have reprinted all of said tickets and distributed said tickets to the several election officers of said counties in time to use said ballots at said election.

Further answering herein, the contestee denies that the failure to have the contestant's name printed upon the ballots in Blanco and Gonzales counties, as alleged by the contestant, did in any manner affect the results of the election, either in Blanco County or in Gonzales County, and the contest-

ant received as many votes in said counties with the ballots in the condition alleged as he would have received had his name been printed upon said official ballots in said two counties, and in this connection the contestee would allege that all of said official ballots in the counties of Blanco and Gonzales had blank spaces specially reserved thereon under the head of State Senator of the Twenty-first Senatorial District on the Republican ticket and on all other tickets on said official ballots in which the voters to write the name of any person for whom they desired to vote for said office of State Senator, and that if any of the voters of Blanco County and of Gonzales County desired to vote for the contestant for said office they could have written and many of the same did write his name upon said official ballot, and said ballots so voted and cast were duly counted for the contestant, and thus the contestant received no injury by reason of his name having been omitted from the ballots in said counties.

Further answering herein the contestee alleges the facts to be that at the general election held November the 2nd, 1920, at which the contestee received 293 votes more than the contestant, was duly and legally held, and that each and every voter in said Senatorial District were granted the right and privilege of a free choice and selection of candidates for the office of Senator of said Senatorial District, and each exercised that right and voted either for the contestant or the contestee, and each and every vote and ballot so voted was counted for each of the parties, and the result shows that this contestee received a majority of all the votes cast at said election, and it is not shown that any voter was denied the right to vote, or that any ballot voted for the contestant was not counted for said contestant; that this contestee was duly and legally elected, is qualified to fill the office of Senator, and the will of the people should be upheld.

Wherefore, premises considered, contestee prays that contestant's petition or statement of grounds of contest, be in all things denied, and dismissed.

C. F. RICHARDS,

Contestee.

The State of Texas,)
County of Caldwell.)

Before me, the undersigned author-

ity, notary public, Caldwell County, Texas, on this day personally appeared C. F. Richards, known to me to be the person whose name is signed to the foregoing answer to the statement of grounds of contest, filed by Reno Eickenroht, contestant, vs. C. F. Richards, contestee, and being duly sworn, says that he is the contestee in said contest, and that he in person at Seguin, Guadalupe County, Texas, on the 17th day of December, A. D. 1920, delivered a true copy of the above answer to Reno Eickenroht, contestant, in person.

Given under my hand and seal of office this, the 18th, day of December, A. D. 1920.

E. W. COOPWOOD,
Notary Public, Caldwell County, Texas.
(Seal.)

Contestee's First Supplemental Answer, Replying to Contestant's First Supplemental Petition.

Filed in the Senate, this 7th day of February, 1921.

W. V. HOWERTON,
Secretary of the Senate.

Reno Eickenroht, Contestant
vs.

C. F. Richards, Contestee

In the Senate of the State of Texas.
Regular Session, 1921.

Comes, the contestee, by leave of the committee, and files this his First Supplemental Answer, replying to contestant's First Supplemental Petition of Contest, filed herein on the — day of January, 1921, and for such reply says.

Contestee demurs to said supplement and says that the same is insufficient in law or in equity to entitle contestant to the relief prayed for.

Contestee specially excepts to all that portion of said supplement wherein contestant alleges that certain unofficial and illegal ballots were cast and counted for contestee, for the reason that the facts alleged and set out by contestant affirmatively show that such ballots complained of were legal and official ballots and were legally counted for contestee.

Contestee specially excepts to all that portion of said supplement, wherein contestant alleges that he used diligence in having his name placed on the official ballots voted at the general election, for the reason that no facts are pleaded or set out, and such allegations as made, are

nothing more than the conclusions of the pleader.

Contestee specially excepts to all that portion of said supplement wherein contestant pleads that the chairman of his political party mailed his certificate of nomination to the Secretary of State in time for it to have been received and filed prior to October 1, 1920, for the reason, that no fact is shown or alleged, when said certificate was mailed, how mailed, to whom addressed, and whether properly stamped so as to be transmitted through and delivered by the United States Mail System.

Contestee specially excepts to all that portion of said supplement, wherein contestant alleges efforts made by him to have the Secretary of State to certify his name to the several County Clerks of the district to be placed upon the official ballots to be voted at the general election, for the reason that it is affirmatively shown and alleged and set out in said supplement and in contestant's Original Petition of contest, that all of such efforts so made by contestant, were made after the time provided by the laws of Texas in which his name could have been legally certified to the Secretary of State, and after the time had elapsed, in which the name of contestant could have been legally certified by said Secretary of State to the several clerks of the several counties in said district.

Contestee specially excepts to all that portion of said supplement wherein contestant alleges that he filed with the Secretary of State his certificate of nomination on the 13th day of October, 1920, for the reason that under the laws of Texas such filing came too late, as all names of candidates, under the law, must be certified by the Secretary of State to the several clerks of the district, not later than October 1st.

Contestee specially excepts to all that portion of said supplement wherein contestant attempts to allege some Acts of the Supreme Court of this State, for the reason, that such Acts of said Court are not set out, either in haec verba, neither is the substance thereof set out, and that portion of such supplement only states the conclusion of the pleader.

Contestee specially excepts to all that portion of said supplement, wherein contestant pleads the action of the Supreme Court as res adjudicata of the right to contest his right to have his name placed on the offi-

cial ballots to be voted at the general election for the reason that the Constitution of Texas vests in the Senate of Texas the sole authority and power to determine the qualification and the election of its members, and the acts of said court, if any, can not deprive the Senate of its right to pass on the election of its members.

Further specially excepting to said supplement, contestee says all that portion of the same wherein contestant attempts to plead that certain three hundred voters would have voted for contestant had his name been printed on the official ballots in Blanco County is insufficient for the reason, that said voters having voted in said election, and their ballots having been duly counted, and no fraud having been practiced on said voters, such voters can not be heard or permitted to say that they intended to vote for contestant and would have voted for him had his name been printed on the ballots, as such testimony would be against public policy and would violate the secrecy of the ballot.

For answer to said supplement contestee denies all and singular the allegation contained therein and say they are not true, except such as may hereinafter be admitted.

Contestee specially denies that contestant or any other person mailed to the Secretary of State his certificate of nomination prior to October 1st 1920, and specially denies that the chairman of the Republican party of the Twenty-first Senatorial District mailed such certificate prior to the said October 1st 1920.

Contestee denies that any voter of Blanco County was denied the right to vote for contestant by reason of his name not being printed on the official ballots, and he alleges the facts to be, that contestant was well known in Blanco County, made a close canvass of the same before the general election and all of the voters of said county knew he was a candidate. That on the day of election, near the polls in said Blanco County a placard on canvas and in large letters were printed the facts that the contestant was a candidate for the office of Senator and the voters requested to write his name upon the ballot, if they desired to vote for the contestant, and all of the voters were expressly notified of such fact, and said placards called to their attention before preparing and casting their ballots.

Further answering herein contestee says that the clerk of the county courts of Gonzales and Blanco Counties published in the county papers and posted at three places in said counties a list of all candidates to be placed upon the official ballots for more than 10 days before such general election and of which posting and of which names so published the contestant had notice, and that he took no steps to have said clerk place his name upon the official ballot and made no objections to the list so posted and published, and having not so protested and having made no effort to have said clerk place his name upon such ballot before the general election, he is now estopped and can not be heard to complain of said clerks for their failure to place his name upon said official ballots, which said acts of estoppel is here specially pleaded against the contestant herein.

The contestee specially denies that any illegal ballots were counted for him in Gonzales County; that he alleges the facts to be that fully 528 ballots cast and counted for the contestant in said Gonzales County were illegal for the reason that the contestant's name was pasted on said ballots, wrongfully and illegally, and could not be legally counted for the contestant; the names of each voter casting such ballots and the number of such ballots the contestee is unable to give, and he here prays that all of said illegal ballots so voted and cast for the contestant be thrown out and not counted for the contestant.

WHEREFORE, contestee prays as in his original answer.

E. B. COOPWOOD,
Attorney for Contestee.

In the Senate of Texas.

Reno Eickenroht, Contestant,
vs.
C. F. Richards, Contestee.

Contestant's Supplemental Petition of
Contest.

Filed in the Senate this 7th day of
February, 1921.

W. V. HOWERTON,
Secretary of the Senate.

Reno Eickenroht, Contestant,
vs.
C. F. Richards, Contestee.

In the Senate of the State of Texas.
Regular Session, 1921.

Now comes Reno Eickenroht, contestant in the above entitled matter, contesting the seat of C. F. Richards, contestee, who holds a certificate of election as State Senator from the Twenty-first Senatorial District of Texas, and files this his first supplemental petition of contest by way of replication to contestee's original answer; and for such supplemental matter contestant respectfully sets forth:

Contestant specially excepts to all the allegations of contestee's said answer wherein contestee questions the right of contestant to have had his name on the official ballots voted at the general election held November 2nd, 1920, and alleges that the failure to have contestant's name thereon was due to delay and neglect on the part of contestant, because all of said matters were passed upon and decided by the Supreme Court of Texas in the cause of Reno Eickenroht, relator, vs. C. D. Mims, Secretary of State, respondent, and in said cause it was adjudicated by said court that contestant was entitled to have his name appear on said official ballots as the Republican candidate for the office of State Senator from the Twenty-first District, as fully set forth in contestant's original petition, which decision and judgment of the Supreme Court is res adjudicata of all such matters pleaded by the contestee, and such allegations should be stricken from the pleadings.

Contestant specially excepts to all the allegations of contestee's said answer wherein it is alleged that contestant was not injured by reason of the failure to print his name on the official ballots voted at said election in Blanco and Gonzales Counties and that the voters in said counties could have written contestant's name on said ballots, because contestant was legally entitled to have his name printed in the proper place on the Republican ticket, and the failure to so print his name on said official ballot resulted in the disfranchisement of all those voters who were not personally acquainted with contestant nor aware of his candidacy but who desired to vote a straight Republican ticket and to vote for all the Republican nominees, and all those voters who were unable to write the name of contestant on said ballot, and there being a sufficient

number of such voters to overcome the majority of contestee who would have voted for contestant if they had had the opportunity, as alleged in contestant's original petition, the failure to so print contestant's name on said ballots affected the result of said election and deprived the contestant and such class of voters of their legal rights.

Contestant further specially excepts to the allegations of contestee's said answer that the failure to place contestant's name on the official ballots in Gonzales County did not affect the result of said election, because the use of pasters on said ballots in the manner in which they were used rendered all such ballots illegal and void, and none of said ballots should have been counted and if only legal ballots had been counted in said county contestant would have received a majority of the votes for said office in said district.

Further answering, contestant denies all allegations of fact contained in contestee's said answer, except such as may be hereinafter specifically admitted.

Replying specifically to contestee's said answer, the contestant begs to represent:

The contestant does not admit, but denies, that contestee received a majority of the legal votes cast for the office of State Senator from the Twenty-first District of Texas at the general election held on November 2nd, 1920. Contestant admits that it was made to appear from the returns of said election that contestee received 293 more votes for said office than were received by contestant, but if only legal votes and ballots had been counted by the officials of election, contestant would have received a majority of said votes, and the contestant, did in fact, receive a majority of the legal votes cast for said office at said election. Contestant specially alleges, in this connection, that after the official ballots for Gonzales County were duly prepared by the officers of said county whose legal duty it was to prepare the official ballots, pasters or stickers were placed thereon by other and different persons, viz., the judges and clerks of election, before they were delivered to the voters to be voted, and the ballots so voted were not the official ballots furnished by the officers whose duty it was to prepare and furnish the official ballots; that out of 1,491 ballots voted in said county at

said election and counted for contestee, approximately 1,000 thereof were unofficial and illegal ballots; that by reason of counting such unofficial and illegal ballots for contestee, the contestant was shown by the returns to have received a majority of 963 votes for said contested office in Gonzales County, but really if only official and legal ballots had been counted contestee's majority would not have exceeded 400 votes in Gonzales County, and contestant would have received a majority of votes for said office in the district.

Contestant alleges that he was regularly nominated at the district convention of the Republican party for the Twenty-first Senatorial District of Texas as the Republican candidate for State Senator from said district, as alleged in his original petition of contest herein, and contestant used all diligence at his command, and was not negligent, in having his name placed as such candidate on the official ballots voted at the general election. In this connection contestant alleges that the chairman of the nominating convention was also chairman of the executive committee of said Republican party for said Senatorial District, and contestant rightfully relied upon him to properly and promptly certify contestant's said nomination to the Secretary of State of the State of Texas, and said chairman did mail a certificate of such nomination to said Secretary of State in time for it to have been received and filed by him prior to October 1st, 1920, by due course of mail; that contestant did not learn that the Secretary of State had refused to certify his name as such nominee to the various county clerks of the district until the list of nominees to the various offices of the district as certified by the Secretary of State was received by the county clerk of Guadalupe County, the county of contestant's residence, on the 11th day of October, 1920, when, for the first time, contestant was informed that his name had not been certified as such nominee by the Secretary of State. On the same day contestant had his attorney inquire by telephone of the Secretary of State as to the reason for not so certifying the name of contestant, and late on the afternoon of said day he was informed by the Secretary of State that he had no record of contestant's nomination for said office. On the next following business day, to-wit, October 13th, contestant went

in person to the office of the Secretary of State and presented to Mr. Spencer, the chief clerk, and then acting Secretary of State, a proper certificate of contestant's said nomination, with the request that it be filed and contestant's name be immediately certified as a candidate for said office to the various county clerks of the district; that if said Secretary of State had then, with reasonable diligence, as it was his legal duty to do, filed said certificate and so certified contestant's name, such certificate would have been received by all the county clerks of the various counties of said Twenty-first Senatorial District long before the official ballots were printed or prepared and contestant's name would have appeared thereon; that said acting Secretary of State neither filed and certified such nomination nor refused to file and certify the same, but stated that he would be guided in his action by advice from the Attorney General's office, and then wrote and signed a request to the Attorney General for an opinion as to the rights and duties of the Secretary of State in the premises, which request was presented to Mr. Keeling, the Assistant Attorney General, on the same day by contestant's attorney in person, and Mr. Keeling promised that he would advise the Secretary of State on the matter on the next succeeding day and would wire contestant's attorney what advice he had given the Secretary of State in the premises. Not being so advised by Mr. Keeling, contestant's attorney communicated with him by wire on the 15th day of October, and was informed that the request for an opinion had been withdrawn from the Attorney's office by the said Mr. Spencer. Contestant's attorney then communicated with Mr. Spencer by wire, who informed said attorney that he could not advise what action would be taken in the matter until the return of the Secretary of State, Hon. C. D. Mims, who was then absent from the State, and that the Hon. C. D. Mims would notify contestant's attorney as soon as he returned. Contestant was not notified of the return of said Hon. C. D. Mims until the 18th day of October, when contestant's attorney conferred with him by telephone in regard to the matter, and called in person to confer with said Secretary of State on the 20th day of October, when, for the first time, contestant was informed that the Secretary of State would refuse to cer-

tify the said nomination of contestant to the county clerks of the various counties of the said district. On the earliest practicable date thereafter contestant had prepared and forwarded to the Clerk of the Supreme Court of Texas his petition for mandamus to compel said Secretary of State to so certify contestant's nomination, which petition was filed and set down for hearing by said court on the 27th day of October, and on said date the writ prayed for was granted, as set forth in contestant's original petition of contest, which contestant here pleads as res adjudicata of the right of contestant to have his name certified by the Secretary of State as a candidate for said office. Immediately upon the granting of said writ of mandamus by the Supreme Court the contestant procured the Secretary of State to prepare telegrams addressed to the county clerks of the various counties of the district, instructing them to place contestant's name as such candidate on the official ballots used at the said general election, which telegrams contestant immediately filed for transmission, paying in advance the charges for transmitting the same, and which, contestant upon information and belief charges, were duly transmitted and received by said county clerks on said 27th day of October, 1920; that, at the request of contestant, said Secretary of State also prepared formal certificates of contestant's said nomination as a candidate for said office and mailed the same on said 27th day of October to the county clerks of the counties of the district, which certificates were received in due course of mail by said county clerks. Now, contestant alleges that if the Secretary of State had performed his legal duty in filing contestant's certificate of nomination and certifying thereto when the same was delivered to him in person on the 13th day of October, or within a reasonable time thereafter, as it was his legal obligation to do, such certificate would have been received by each county clerk of the various counties of said Senatorial District before the official ballots voted in each such county at said general election were prepared or printed, and contestant's name would have been properly placed on said ballot. That after such county clerks received notice from the Secretary of State of contestant's nomination and his right to have his name on the official ballots, five days intervened

before the election, which afforded ample time for contestant's name to have been placed on the official ballots in each county of the district, but no effort was made to have his name so placed thereon in Gonzales and Blanco Counties. Contestant is unable to say whether contestee was in any manner responsible for the wrongs and misconduct of the Secretary of State and the officials of Blanco and Gonzales Counties in preventing the name of contestant to be placed on the official ballots of said counties as a candidate for State Senator from the Twenty-first District, but contestant charges that such officials acted unlawfully and were guilty of gross misconduct in the premises, and thereby a large number of voters were disfranchised and prevented from expressing their choice in the election of a State Senator from said district, and the result of said election was changed.

That said Twenty-first Senatorial District of Texas is composed of the Counties of Blanco, Hays, Comal, Caldwell, Guadalupe and Gonzales, and neither contestant nor contestee had a wide personal acquaintance with the voters outside of their respective counties, Guadalupe and Caldwell, but relied upon the endorsement of their respective parties and the party vote, and especially was this true with the contestant whose time was fully occupied for the three weeks immediately preceding the election in his efforts to enforce his legal right to have his name certified by the Secretary of State as a nominee for such office and to have it placed upon the official ballots voted at said election; that the voters of said district largely relied on the party endorsements and nominations of the candidates, and not being personally acquainted with the candidates and their qualifications were disposed to accept the party nominations as sufficient endorsement of their qualifications; that a large number, being a great majority of the voters of such district, voted either the Democratic ticket or the Republican ticket straight, with the intention and belief that they were voting for the nominees of their respective party for all offices, and had no reason to suspect and were not informed of the fact that the names of nominees of their party did not appear on the official ballot; that, under the statutes of Texas, a great number of voters who are capable of making out their ballots

are unable to write the name of the candidate of their choice in the proper place on the ballot without assistance, and unless such name appears printed on the official ballot such class of voters are unable to vote for the candidate of their choice. That, as a matter of fact, and contestant so alleges, there were more than 300 voters in Blanco County belonging to one or the other of the classes above mentioned, and who, because of one or more of the reasons above mentioned, were deprived of their legal right and opportunity to vote for contestant and who did not vote for him, but all of whom would have voted for him if his name had appeared on the official ballots used at the election in said county, the names, postoffice address and voting box of a large number of which voters is hereto attached, marked "Exhibit A" and made a part of this pleading; that there were a large number of such voters in Blanco County whose names contestant cannot now give, but such voters belong to the class of voters voting the Republican ticket straight in said county and numbering about 200 in addition to the list attached, and who also would have voted for contestant had his name appeared as a candidate for said contested office on the official ballots voted in said county, and about 200 of such voters in Gonzales County who were thus deprived of voting for contestant; that if contestant's name had appeared on the ballots used at the election in said Counties of Blanco and Gonzales, contestant would have received from 500 to 700 votes more than he did receive and the result of the election would have been different than it was declared to be from the returns.

Contestant says that contestee's claim that said election was fairly held and the result represents the choice of a majority of the voters of

said district is not made in good faith, because it is a matter of common knowledge among reasonable men that a candidate for office in a district the size of said Twenty-first Senatorial District of Texas has not a fair chance to obtain the votes of all or a considerable number of the voters of his party unless his name appears on the ballot as a candidate for the office on his party ticket, and in this instance contestee well knows that in Blanco and Gonzales Counties a great number of the voters participating in the general election held on November 2nd, 1920, voted a straight Republican ticket and did not vote for contestee, but scratched his name from the ticket, and contestant here now alleges that such voters would have voted for contestant if his name had appeared on such ballots as the Republican candidate for such office, and such facts are generally within the knowledge of contestee. Contestant here charges that such election was not fairly held, but because of such illegalities and irregularities in the conduct thereof, and the misconduct of the officers aforesaid, a large number of voters were in effect disfranchised, and said election was void.

Contestee prays as in his original petition of contest.

WURZBACH, WIRTZ & WEINERT,

Attorneys for Contestant.

The State of Texas,)

County of Guadalupe.)

I, Reno Eickenroht, contestant in the above matter, do solemnly swear that the facts stated in the foregoing supplemental petition are true.

RENO EICKENROHT.

Subscribed and sworn to before me, this 25th day of January, A. D. 1921.

H. A. HEIDIKI,

Clerk, County Court, Guadalupe County, Texas.

(Seal.)

EXHIBIT "A."

| Name. | Postoffice. | Voting Box. | Ticket Voted. |
|----------------------------|------------------|-------------|---------------|
| Allen Wren..... | Board House..... | No. 1..... | Republican |
| W. L. Schaeferkroeter..... | Hye..... | No. 6..... | Republican |
| Richard Cloredt..... | Blanco..... | No. 1..... | Republican |
| B. W. Wren..... | Twin Sister..... | No. 2..... | Republican |
| H. Hallenberger..... | Twin Sister..... | No. 2..... | Republican |
| Willie Schuetz..... | Twin Sister..... | No. 2..... | Republican |
| Alex Upsban..... | Board House..... | No. 1..... | Republican |
| A. W. Koch..... | Blanco..... | No. 1..... | American |
| Theo. Mosel..... | Blanco..... | No. 1..... | American |
| Nudens Wren..... | Board House..... | No. 3..... | Republican |
| Peter Nichols..... | Board House..... | No. 1..... | Republican |
| George W. Jones..... | Board House..... | No. 3..... | Republican |

| Name. | Postoffice. | Voting Box. | Ticket Voted. |
|-------------------------|--------------------|-------------|---------------|
| Alfred Carson..... | Board House..... | No. 3..... | Republican |
| Wesley City..... | Board House..... | No. 1..... | Republican |
| Henry Johnson..... | Board House..... | No. 1..... | Republican |
| Jim Gordon..... | Board House..... | No. 1..... | Republican |
| Coste Crowon..... | Board House..... | No. 1..... | Republican |
| A. Wegner..... | Blanco..... | No. 1..... | Republican |
| Edwin Wegner..... | Blanco..... | No. 1..... | Republican |
| Louis Vogel..... | Blanco..... | No. 1..... | Republican |
| Ferd J. Werner..... | Blanco..... | No. 1..... | Republican |
| J. H. Seiler..... | Blanco..... | No. 1..... | American |
| J. A. Seiler..... | Blanco..... | No. 1..... | American |
| T. E. Prochnow..... | Blanco..... | No. 1..... | Republican |
| Chas. Sauer..... | Blanco..... | No. 1..... | Republican |
| L. City..... | Board House..... | No. 3..... | Republican |
| Alwin Preiss..... | Fischer Store..... | No. 1..... | Republican |
| John Plo..... | Blanco..... | No. 1..... | Republican |
| Otto Riba..... | Blanco..... | No. 1..... | Republican |
| Wm. F. Yung..... | Blanco..... | No. 1..... | Republican |
| John Riba..... | Blanco..... | No. 1..... | Republican |
| Wm. Jonas..... | Blanco..... | No. 1..... | Republican |
| Robt. Hagemann..... | Blanco..... | No. 1..... | Republican |
| Chas. Riba..... | Blanco..... | No. 1..... | Republican |
| Geo. Riba..... | Blanco..... | No. 1..... | Republican |
| Wm. Jones..... | Board House..... | No. 1..... | Republican |
| A. Prochnow..... | Blanco..... | No. 1..... | Republican |
| Alf. Pehl..... | Blanco..... | No. 1..... | American |
| Ed. Jonas..... | Blanco..... | No. 1..... | Republican |
| Hugo Hagemann..... | Blanco..... | No. 1..... | American |
| Henry Blackburn..... | Blanco..... | No. 1..... | Republican |
| Gus. Thiele..... | Johnson City..... | No. 1..... | Republican |
| Richard Binseil..... | Blanco..... | No. 1..... | Republican |
| Mrs. Otto Heimer..... | Blanco..... | No. 1..... | Republican |
| Alfred Discher..... | Fischer Store..... | No. 1..... | Republican |
| Herman Schlamens..... | Fischer Store..... | No. 1..... | Republican |
| Julius Slamens..... | Fischer Store..... | No. 1..... | Republican |
| Albert Schlamens..... | Fischer Store..... | No. 1..... | Republican |
| Martin Preiss..... | Twin Sisters..... | No. 2..... | Republican |
| Oscar Mueller..... | Twin Sisters..... | No. 2..... | Republican |
| Emil Weinstrom..... | Blanco..... | No. 1..... | Republican |
| Erich Atzt..... | Twin Sisters..... | No. 2..... | Republican |
| Mine Knoll..... | Twin Sisters..... | No. 2..... | Republican |
| Ed. Koch..... | Twin Sisters..... | No. 2..... | Republican |
| Emma Koch..... | Twin Sisters..... | No. 2..... | Republican |
| Edwig Koch..... | Twin Sisters..... | No. 2..... | Republican |
| Alfred Haag..... | Twin Sisters..... | No. 2..... | Republican |
| Dr. F. H. Klufoth..... | Blanco..... | No. 1..... | Republican |
| Gus Prochnow..... | Blanco..... | No. 1..... | Republican |
| Jasper Bursh..... | Board House..... | No. 3..... | Republican |
| Leni Nichols..... | Board House..... | No. 1..... | Republican |
| Eli Nichols..... | Board House..... | No. 1..... | Republican |
| A. Einkruf..... | Blanco..... | No. 1..... | Republican |
| Peter Nickels..... | Board House..... | No. 1..... | Republican |
| Mrs. Willie Riba..... | Blanco..... | No. 1..... | Republican |
| Willie Riba..... | Blanco..... | No. 1..... | Republican |
| Ernst Klinger..... | Blanco..... | No. 1..... | Republican |
| Mrs. Ernst Klinger..... | Blanco..... | No. 1..... | Republican |
| Mrs. Robert Jonas..... | New Braunfels..... | No. 1..... | Republican |
| Robert Jonas..... | New Braunfels..... | No. 1..... | Republican |
| C. A. Dezell..... | Blanco..... | No. 1..... | Republican |
| S. H. Layton..... | Blanco..... | No. 1..... | Republican |
| Mrs. J. H. Layton..... | Blanco..... | No. 1..... | Republican |
| Julius Vogel..... | Blanco..... | No. 1..... | Republican |
| Mrs. Mary Vogel..... | Blanco..... | No. 1..... | Republican |

| Name. | Postoffice. | Voting Box. | Ticket Voted. |
|---------------------|--------------|-------------|---------------|
| Ed. Liesman | Blanco | No. 1 | American |
| Emma Seiler | Blanco | No. 1 | American |
| Mrs. Julius Seiler | Blanco | No. 1 | American |
| Chas. Koch | Blanco | No. 1 | American |
| Mrs. Chas. Koch | Blanco | No. 1 | American |
| Mrs. Fred J. Werner | Blanco | No. 1 | Republican |
| E. E. Haas | Blanco | No. 1 | Republican |
| H. Friesch | Blanco | No. 1 | American |
| Herman Schmidt | Blanco | No. 1 | Republican |
| Emil Elbey | Blanco | No. 1 | Republican |
| Herman Wuest | Blanco | No. 1 | Republican |
| Aug. Wuest | Blanco | No. 1 | Republican |
| Frank Wuest | Blanco | No. 1 | Republican |
| Herman Weber | Blanco | No. 1 | Republican |
| Ben Hony | Blanco | No. 1 | Republican |
| Herman Knoll | Blanco | No. 1 | Republican |
| Paul Schmidt | Blanco | No. 1 | Republican |
| Albert Schmidt | Kendalia | No. 1 | Republican |
| John Jackson | Blanco | No. 1 | Republican |
| Meta Wunderlich | Twin Sisters | No. 2 | Republican |
| Willie Remler | Twin Sisters | No. 2 | Republican |
| H. Hohenberger | Blanco | No. 1 | Republican |
| Alvin Triesch | Blanco | No. 1 | Republican |
| Frank Preiss | Twin Sisters | No. 2 | Republican |
| W. Cornpacet | Blanco | No. 1 | Republican |
| A. C. Beckman | Blanco | No. 1 | Republican |
| Mrs. A. C. Beckman | Blanco | No. 1 | Republican |
| Gus Flugrath | Blanco | No. 1 | Republican |
| Mrs. J. H. Benksin | Blanco | No. 1 | Republican |
| J. H. Benskin | Blanco | No. 1 | Republican |
| Max Liesman | Blanco | No. 1 | Republican |
| Felix Weber | Blanco | No. 1 | Republican |
| Walter Weber | Blanco | No. 1 | Republican |
| Alfred Haas | Blanco | No. 1 | Republican |
| John F. Petsch | Blanco | No. 1 | Republican |
| Henry Sauer | Blanco | No. 1 | Republican |
| Walter Jones | Blanco | No. 1 | Republican |
| Geo. R. Nickels | Blanco | No. 1 | Republican |
| Wesley Johnson | Blanco | No. 1 | Republican |
| M. F. Upshaw | Blanco | No. 1 | Republican |
| Otto Heimer | Blanco | No. 1 | Republican |
| O. L. Massey | Blanco | No. 1 | Republican |
| Henry Liesman, Jr. | Blanco | No. 1 | Republican |
| Mrs. Julia Elbel | Blanco | No. 1 | Republican |
| Gott Elbel | Blanco | No. 1 | Republican |
| Emil Jones | Blanco | No. 1 | Republican |
| Johnie Schmidt | Blanco | No. 1 | Republican |
| B. Olfers | Board House | No. 3 | Republican |
| H. F. Peese | Blanco | No. 1 | Republican |
| C. H. Krause | Blanco | No. 1 | Republican |
| Arthur Wuest | Blanco | No. 1 | Republican |
| Arnold Willms | Blanco | No. 1 | Republican |
| Manuel Jackson | Blanco | No. 1 | Republican |
| Peter Pehl | Blanco | No. 1 | Republican |
| Willie Haas | Blanco | No. 1 | Republican |
| Edwin Pehl | Blanco | No. 1 | Republican |
| G. McCanico | Blanco | No. 1 | Republican |
| Clemens Wuest | Blanco | No. 1 | Republican |
| G. Willm | Blanco | No. 1 | Republican |
| Peter Schmidt | Blanco | No. 1 | Republican |
| Otto Hollenberger | Twin Sisters | No. 2 | Republican |
| Jacob Hollenberger | Twin Sisters | No. 2 | Republican |
| Herman Gass | Blanco | No. 1 | Republican |

| Name. | Postoffice. | Voting Box. | Ticket Voted. |
|--------------------------|--------------------|-----------------|---------------|
| Wm. Schuetz..... | Twin Sisters..... | No. 2..... | Republican |
| T. V. Franklin..... | Twin Sisters..... | No. 2..... | Republican |
| W. W. Krueger..... | Twin Sisters..... | No. 2..... | Republican |
| Edward Klinger..... | Twin Sisters..... | No. 2..... | American |
| Frank Pullins..... | Twin Sisters..... | No. 2..... | Republican |
| Fritz Koch..... | Twin Sisters..... | No. 2..... | Republican |
| Fritz Winstrom..... | Twin Sisters..... | No. 2..... | Republican |
| Otto Preiss..... | Twin Sisters..... | No. 2..... | Republican |
| Adolph A. Knuepper..... | Twin Sisters..... | No. 2..... | Republican |
| Chas. Preiss..... | Twin Sisters..... | No. 2..... | Republican |
| Adolph Triesch..... | Blanco..... | No. 1..... | Republican |
| Ferd Bremer..... | Fischer Store..... | No. 1..... | Republican |
| Peter Elbel..... | Twin Sisters..... | No. 2..... | Republican |
| Oscar Jonas..... | Twin Sisters..... | No. 2..... | Republican |
| Otto Mueller..... | Twin Sisters..... | No. 2..... | Republican |
| Max W. Koch..... | Twin Sisters..... | No. 2..... | Republican |
| Walter Koch..... | Twin Sisters..... | No. 2..... | Republican |
| Ernst Wunderlich..... | Twin Sisters..... | No. 2..... | Republican |
| R. B. Linnartz..... | Blanco..... | No. 1..... | Republican |
| Gus Triesch..... | Blanco..... | No. 1..... | Republican |
| Ben Wuest..... | Blanco..... | No. 1..... | Republican |
| Edgar Weinstrom..... | Blanco..... | No. 1..... | Republican |
| Rudolph Liesmann..... | Twin Sisters..... | No. 2..... | Republican |
| Ernst Fischer..... | Twin Sisters..... | No. 2..... | Republican |
| Charlie Wolf..... | Johnson City..... | No. 5..... | Mixed |
| H. M. Ulrich..... | Flat Creek..... | No. 11..... | Mixed |
| W. B. Fuchs..... | Cypress..... | No. 10..... | Mixed |
| Ohlen Cox..... | Johnson City..... | No. 5..... | Mixed |
| H. C. Smith..... | Cypress Mills..... | No. 10..... | Mixed |
| J. M. Bates..... | Johnson City..... | No. 5..... | Mixed |
| J. H. Withen..... | Johnson City..... | No. 5..... | Mixed |
| Chas. Bruckner..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. Chas. Bruckner..... | Johnson City..... | No. 5..... | Mixed |
| W. E. Bates..... | Johnson City..... | No. 6..... | Mixed |
| Virgel Wells..... | Johnson City..... | No. 5..... | Mixed |
| J. O. Bushnell..... | Johnson City..... | No. 4..... | Mixed |
| W. J. Chapman..... | Johnson City..... | No. 5..... | Republican |
| Dick Arrington..... | Johnson City..... | No. 5..... | Mixed |
| E. S. Lennox..... | Johnson City..... | No. 5..... | Mixed |
| Ernest Quinhellman..... | Hyl..... | No. 6..... | Mixed |
| E. A. Johnson..... | Johnson City..... | No. 11..... | Mixed |
| Ed. Ottmeis..... | Johnson City..... | No. 5..... | Mixed |
| W. B. Mayfield..... | Johnson City..... | No. 5..... | Mixed |
| J. C. Wilson..... | Johnson City..... | No. 5..... | Mixed |
| W. N. Cox..... | Johnson City..... | No. 5..... | Mixed |
| F. H. Burke..... | Johnson City..... | No. 5..... | Mixed |
| B. W. Fuchs..... | Cypress..... | No. 10..... | Mixed |
| Hugo Fuchs..... | Cypress..... | No. 10..... | Mixed |
| H. T. Fuchs..... | Cypress..... | No. 10..... | Mixed |
| Willie Goebel..... | Cypress..... | No. 10..... | Mixed |
| S. W. Hyatt..... | Johnson City..... | No. 5..... | Mixed |
| G. Bernehard..... | Johnson City..... | No. 11..... | Mixed |
| J. G. Odiorne..... | Johnson City..... | No. 5..... | Republican |
| M. A. George..... | Johnson City..... | No. 5..... | Mixed |
| A. P. Schockley..... | Johnson City..... | No. 7..... | Mixed |
| James A. Standt..... | Johnson City..... | No. 5..... | Mixed |
| Otto Werich..... | Hye..... | No. 6..... | Mixed |
| E. S. Larsemore..... | Hye..... | No. 6..... | Mixed |
| F. O. Felps..... | Johnson City..... | No. 4..... | Mixed |
| E. M. Klett..... | Johnson City..... | No. 5..... | Republican |
| B. W. Scharnhorts..... | Hye..... | Post Oak 8..... | Republican |
| J. O. Haby..... | Hye..... | No. 8..... | Republican |
| Oliver Cortey..... | Johnson City..... | No. 5..... | Republican |

| Voting Box. | Ticket Voted. | Name. | Postoffice. |
|-------------------------|-------------------|-------------|-------------|
| J. F. Kellam..... | Johnson City..... | No. 5..... | Republican |
| N. H. Felps..... | Johnson City..... | No. 5..... | Republican |
| J. S. Smith..... | Sandy..... | No. 7..... | Republican |
| J. M. Odiome..... | Johnson City..... | No. 5..... | Republican |
| A. E. Felps..... | Johnson City..... | No. 4..... | Mixed |
| Myrta Odiome..... | Johnson City..... | No. 5..... | Republican |
| Alfred Weirich | Hye..... | No. 6..... | Mixed |
| G. V. Griffin..... | Henley..... | No. 3..... | Mixed |
| Geo. W. Conn..... | Johnson City..... | No. 5..... | Mixed |
| Louis Dang..... | Johnson City..... | No. 4..... | Mixed |
| J. R. Hunnicutt..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. J. R. Hunnicut.... | Johnson City..... | No. 5..... | Mixed |
| Miss Nancy Howmett.... | Johnson City..... | No. 5..... | Mixed |
| O. B. Summy..... | Johnson City..... | No. 5..... | Mixed |
| Warren Harp..... | Johnson City..... | No. 5..... | Mixed |
| Earl Harp..... | Johnson City..... | No. 5..... | Mixed |
| Alfred Brodbeck | Hye..... | No. 6..... | Mixed |
| Ed. Harp..... | Johnson City..... | No. 5..... | Mixed |
| J. J. Fuchs..... | Cypress..... | No. 10..... | Mixed |
| Louis Winkleman | Hye..... | No. 6..... | Mixed |
| Walter Scherer | Albert..... | No. 6..... | Mixed |
| R. Szymanski..... | Rt. Mountain..... | No. 9..... | Mixed |
| E. L. Teal..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. E. L. Teal..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. J. H. Edwards..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. W. C. Casparis.... | Johnson City..... | No. 5..... | Mixed |
| Mrs. R. E. Casparis.... | Johnson City..... | No. 5..... | Mixed |
| Guy Maddox..... | Johnson City..... | No. 5..... | Mixed |
| W. A. Bushnell..... | Johnson City..... | No. 5..... | Mixed |
| Dorsie Bushnell..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. W. A. Nushnell.... | Johnson City..... | No. 5..... | Mixed |
| N. E. Lester..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. N. E. Lester..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. N. J. Chapman..... | Johnson City..... | No. 5..... | Mixed |
| J. H. Haley..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. M. T. Haley..... | Johnson City..... | No. 5..... | Mixed |
| W. J. Shorkley..... | Johnson City..... | No. 5..... | Mixed |
| Alice Shorkley..... | Johnson City..... | No. 5..... | Mixed |
| Roy Schofield..... | Johnson City..... | No. 5..... | Mixed |
| Jno. Bruckner..... | Johnson City..... | No. 5..... | Mixed |
| Pauline Bruckner..... | Johnson City..... | No. 5..... | Mixed |
| Ida Bruckner..... | Johnson City..... | No. 5..... | Mixed |
| Lillie Crider..... | Johnson City..... | No. 5..... | Mixed |
| Ethel Stubbs..... | Johnson City..... | No. 5..... | Mixed |
| J. J. Staudt..... | Johnson City..... | No. 5..... | Mixed |
| Anna Staudt..... | Johnson City..... | No. 5..... | Mixed |
| J. T. Laremore..... | Hye..... | No. 6..... | Mixed |
| P. H. J. Merz..... | Hye..... | No. 6..... | Mixed |
| Charlie Hobbs..... | Johnson City..... | No. 5..... | Mixed |
| E. J. Waters..... | Rt. Mountain..... | No. 9..... | Mixed |
| Mrs. C. A. Chapman.... | Johnson City..... | No. 5..... | Republican |
| J. H. Chapman..... | Johnson City..... | No. 5..... | American |
| J. L. Schofield..... | Johnson City..... | No. 5..... | American |
| Richard Klappenbach.... | Johnson City..... | No. 5..... | Mixed |
| Charles Klett..... | Johnson City..... | No. 5..... | Mixed |
| F. Schultemeier | Sandy..... | No. 7..... | Mixed |
| A. Buckner..... | Johnson City..... | No. 5..... | Republican |
| R. G. Kelley..... | Johnson City..... | No. 5..... | Republican |
| Mrs. R. G. Kelley..... | Johnson City..... | No. 5..... | Republican |
| Harry Hyatt..... | Johnson City..... | No. 5..... | Republican |
| J. S. Casparis..... | Johnson City..... | No. 5..... | Mixed |
| R. L. Desmon..... | Round Mt..... | No. 7..... | American |
| A. J. Farrell..... | Johnson City..... | No. 5..... | American |

| Name. | Postoffice. | Voting Box. | Ticket Voted. |
|--------------------------|---------------------|-------------|---------------|
| W. C. Casparis..... | Johnson City..... | No. 5..... | Mixed |
| J. A. Wells..... | Round Mt..... | No. 9..... | Mixed |
| Adgar Stevenson..... | Johnson City..... | No. 5..... | Mixed |
| Raymond Casparis..... | Johnson City..... | No. 5..... | Mixed |
| A. H. Casparis..... | Johnson City..... | No. 5..... | Mixed |
| M. H. Wilson..... | Miller..... | No. 4..... | Mixed |
| Roy Stubbs..... | Johnson City..... | No. 5..... | Mixed |
| Jim Corley..... | Miller..... | No. 4..... | Mixed |
| A. R. Stueler..... | Miller..... | No. 4..... | Mixed |
| Jake Felps..... | Miller..... | No. 4..... | Mixed |
| T. E. Dildine..... | Johnson City..... | No. 5..... | Mixed |
| J. H. Edwards..... | Johnson City..... | No. 5..... | Mixed |
| Don Wilson..... | Johnson City..... | No. 5..... | Mixed |
| Payne Rountree..... | Johnson City..... | No. 5..... | Mixed |
| C. S. Stanley..... | Wilson..... | No. 11..... | Mixed |
| W. S. Crider..... | Johnson City..... | No. 5..... | Mixed |
| C. L. Honnig..... | Wilson..... | No. 3..... | Mixed |
| T. O. Bruckner..... | Johnson City..... | No. 5..... | Mixed |
| Egon Arrington..... | Johnson City..... | No. 5..... | Mixed |
| Willie B. Hepvig..... | Cypress Mills..... | No. 10..... | Mixed |
| Mrs. E. P. Ross..... | Johnson City..... | No. 5..... | Mixed |
| Mrs. Tom J. Johnson..... | Johnson City..... | No. 5..... | Mixed |
| Guy Felps..... | Miller..... | No. 4..... | Mixed |
| Sam Ferrell..... | Johnson City..... | No. 5..... | Mixed |
| H. M. Casparis..... | Johnson City..... | No. 5..... | Mixed |
| H. Bergmann..... | Round Mountain..... | No. 9..... | Mixed |
| C. L. Gipson..... | Johnson City..... | No. 5..... | Mixed |
| A. B. Stevenson..... | Johnson City..... | No. 5..... | Mixed |
| Otto Keller..... | Rocky..... | No. 6..... | Mixed |
| Max Lindeman..... | Rocky..... | No. 6..... | Mixed |
| C. C. Townsley..... | Rocky..... | No. 6..... | Republican |
| V. E. Striegler..... | Rocky..... | No. 6..... | Republican |
| Levi Danz..... | Johnson City..... | No. 5..... | Mixed |
| R. M. Shahan..... | Cypress..... | No. 18..... | Mixed |
| G. A. Sumury..... | Johnson City..... | No. 5..... | Mixed |
| G. C. Lambert..... | Johnson City..... | No. 5..... | Mixed |
| Louis Gourley..... | Miller..... | No. 4..... | Mixed |
| E. J. Hyatt..... | Johnson City..... | No. 5..... | American |
| Nace Felps..... | Johnson City..... | No. 5..... | American |
| A. W. Sultemeier..... | Sandy..... | No. 7..... | American |
| J. E. Dulchie..... | Johnson City..... | No. 5..... | American |
| Max Loncykwitz..... | Johnson City..... | No. 4..... | American |
| H. R. Smith..... | Johnson City..... | No. 5..... | Republican |

Message From the House.

Hall of the House of Representatives,
Austin, Texas Feb. 4, 1921.

Lieutenant-Governor Lynch Davidson,
President of the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has adopted House Concurrent Reso-
lution No. 14, thanking the citizens
of Denton.

Respectfully submitted,
N. K. BROWN, Chief Clerk,
House of Representatives.

Simple Resolution No. 40.

By Senator McNealus:

Whereas, V. A. Collins, a promi-

nent Democrat and a well known citi-
zen of this State, and a former
member of this body is now in the
city, therefore be it

Resolved that he be accorded the
privileges of the floor and invited to
address the Senate.

Also, that the Honorable H. T.
Simms, a former member of this
body, 1889-1893, from the old
Twenty-ninth Senatorial District, be
accorded the privileges of the Cham-
ber, and be requested to address the
Senate.

McNealus, Davidson, Baugh.

The above resolution was read and
adonted.

The Chair appointed Senators
Baugh, Cousins and Hall, to escort

Senator Collins to the President's stand, who after being introduced, addressed the Senate.

The Chair also appointed Seantors McNealus, Dudley and Murphy to escort Senator Simms to the President's stand, who, after being introduced, addressed the Senate.

House Concurrent Resolution No. 14.

The Chair laid before the Senate House Concurrent Resolution No. 14, a resolution thanking citizens of Denton on account of recent visit there by members.

The resolution was read and adopted.

Bills and Resolutions.

By Senator Buchanan:

S. B. No. 186, a bill to be entitled "An Act to provide for the sale, lease, transfer, patenting and forfeiture of the land belonging and set apart for the use and benefit of the University of Texas, and how the money received from the sale of the University land shall be invested, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Rogers:

S. B. No. 187, a bill to be entitled "An Act to amend Article 1180 Vernon's Code of Criminal Procedure of the State of Texas, fixing fees of District and County Attorneys in Justices Court; repealing all laws or parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Rogers:

S. B. No. 188, A bill to be entitled "An Act to amend Article 1168 Vernon's Code of Criminal Procedure of the State of Texas, fixing fees of the District and County Attorneys in the District and County Courts: repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Rogers:

S. B. No. 189, A bill to be entitled

"An Act fixing the maximum amount of fees allowed County Attorneys in counties containing a city of 25,000 inhabitants or in such counties as shown by the last U. S. Census shall contain as many as 50,000 inhabitants, repealing all laws or parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hall:

S. B. No. 190, A bill to be entitled "An Act to amend Article 4694 of the Revised Civil Statutes of 1911, so as to give cause of action for actual damages where injuries resulting in death are caused by the negligence, or carelessness on any other person, firm, municipal or other corporation association or receiver, their agents or servants; the liability of receivers to exist in all cases where the person, firm, municipal or other corporation, or association would have been liable under this or any previous Act had there been no receiver, repealing all laws in conflict, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woods, by request:

S. B. No. 191. A bill to be entitled "An Act to validate the authentication and acknowledgment of conveyances and other instruments where the notarial seal used by the officer taking the acknowledgment did not conform to the law in force when the acknowledgment was taken and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woods, by request:

S. B. No. 192, A bill to be entitled "An Act to amend Article 6006 of Title 97 of the Revised Statutes of Texas of 1911, relating to Notarial Seals, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Morning call concluded.

(By unanimous consent.)

By Senator Floyd:

S. B. No. 193. A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns of aiding the people to provide adequate school facilities for the edu-

cation of their children, by the appropriation of two million dollars each year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1922, and August 31, 1923, respectively, as allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing that no school having over five hundred scholastics shall receive such aid except in the case of bona fide consolidated schools situated in the country; giving preference to all school districts in which the available school funds, together with the local district tax will not maintain the schools six months in the year; providing that such schools that receive such aid shall have a certain percentage of attendance with exceptions; granting authority to the State Board of Education and the State Superintendent of Public Instruction to act for the best interests of the schools in cases and conditions not covered by the law; giving to the State Board of Education and the State Superintendent power to establish rules and regulations for the improvement of country schools receiving the benefits of a portion of the funds provided for in this Act; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursements of all moneys granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 194, A bill to be entitled "An Act amending Section 20 of Chapter 68, of the local and special laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, by providing that the board of trustees of Pharr-San Juan Independent School District may employ an attorney to represent

the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 195, A bill to be entitled "An Act to amend Article 4746 of Chapter 2 of Title 71 of the Revised Civil Statutes of 1911, of the State of Texas and to incorporate therein and to subject to the penalties therein prescribed fire, marine, inland, lightning, tornado, indemnity or other insurance company or companies issuing policies or contracts by insurance or indemnity, and to declare an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Davidson:

S. B. No. 196, A bill to be entitled "An Act granting Willie Jackson permission to sue the State of Texas for any sum not exceeding three thousand (\$3,000.00) dollars because of being erroneously and improperly confined in the penitentiary for a term of years for which he was not sentenced, fixing the venue and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Darwin:

S. B. No. 197, A bill to be entitled "An Act to provide for the branding of new and renovated mattresses and comforts and to provide against the use of unsanitary, unhealthy old or second hand comforts and to provide against the sale of mattresses or comforts containing such unsanitary, unhealthy old or second hand materials, providing a penalty therefor, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Hall:

S. B. No. 198, A bill to be entitled "An Act authorizing the State Board of Health to procure diphtheria antitoxin, tetanus antitoxin and vaccine lymph for the free use of people of the State upon whom the purchase thereof would impose a hardship; providing for the distribution of said antitoxins and vaccine lymph by the

State Board of Health to the before mentioned persons upon the recommendation of the attending physician."

Read first time and referred to Committee on Public Health.

By Senator Baugh:

S. B. No. 199. A bill to be entitled "An Act to amend Article 1533 of Penal Code of the Revised Criminal Statutes of Texas, 1911, according to the revision made by the Vernon Law Book Company, being an amendment of Section 2, of the Acts of 1907, page 94 and of the Acts of 1911, page 151, Section 1, and prohibiting railway companies, street railway companies, interurban railway companies or any other chartered common carrier or transportation companies, or sleeping car companies or telegraph or telephone companies or the receiver or lessees thereof, or their officers, agents or servants in this State from carrying persons free of charge or carrying property free of charge or transmitting messages free of charge or giving to or for any person or passenger a free pass or authority to travel or pass free or to have property or messages transported free over any line or lines owned, operated or controlled by any such company in this State, and naming certain persons who are excepted from the prohibition."

Read first time and referred to Committee on Criminal Jurisprudence.

Simple Resolution No. 41.

By Senator Dudley:

Whereas, In the last session of the Legislature a resolution was adopted which authorized proper engraving under the portrait of General Mc-Alexander; and

Whereas, For some reason this has not been done; therefore, be it

Resolved, By the Senate that the following inscription be properly placed under the painting:

The Board of Control is so directed.
"Brigadier-General U. G. Mc-Alexander, U. S. A., who commanded the Texas Brigade (180th Brigade) 90th Division, U. S. A., throughout its activities in France and Germany in the World War.

"He won the nickname of "Rock

of the Marne" for his determined stand against the German offensive at Chateau Thierry, on the Marne, when the tide of battle was turned July, 1918."

Resolved further, that such sum as is necessary to pay for the inscription, be paid out of the contingent fund of the Senate.

In order to perfect the resolution as to reading of inscription, the resolution was laid on the table subject to call.

Senate Bill No. 146.

Senator Floyd here moved that Senate bill No. 146 be withdrawn from the Committee.

The motion was adopted.

Senator McNealus moved that Senate Bill No. 146 be referred back to the Committee on Towns and City Corporations.

The motion was adopted.

Simple Resolution No. 42.

Whereas, The First Called Session of the Thirty-sixth Legislature adjourned without having made any provision for compiling, reading and indexing the laws passed at said session, and the Secretary of State's Department had no funds with which to pay for said work; and

Whereas, T. H. Yarbrough, who was employed by said department to prepare and have published the laws of the Second Called Session of said Legislature did, upon request of Mr. Geo. Howard, Secretary of State, combine the laws of said First Called Session with those of the Second Called Session, which work was done without remuneration. Now, therefore be it

Resolved, That there be allowed out of the contingent expense fund of the Senate, the sum of twenty-five dollars in payment for said services.

COUSINS.

The resolution was read and adopted.

Excused.

(On account of important business.)

Senator Carlock for this week on motion of Senator Dudley.

Senator Dorough, for all of this week, on motion of Senator Davidson.

Senate Bill No. 104.

Senator Hertzberg called from the table, and the Chair laid before the Senate on second reading,

S. B. No. 104, A bill to be entitled "An Act to prevent any person, firm, corporation or association from placing before the public any advertisement relating to merchandise, securities, service or any other thing offered to the public, containing an assertion, representation or statement of fact which is untrue, deceptive or misleading; providing a penalty for the violation thereof, and declaring an emergency."

The bill was read second time, and Senator Witt offered the following amendment:

Amend S. B. No. 104, line 26, page 1, after the word "merchandise" the words "as to its character or cost."

The amendment was read and adopted.

Senator Woods offered the following amendment:

Amend S. B. No. 104 by adding following the word "misleading," in line 29, page 1, Section 1, the following words, "in any material particular as to such matters or things so advertised."

The amendment was read and adopted.

The bill was then passed to engrossment by the following vote:

Yeas—22.

| | |
|------------|------------|
| Bailey. | Harp. |
| Baugh. | Hertzberg. |
| Bledsoe. | McMillin. |
| Buchanan. | Murphy. |
| Cousins. | Parr |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Hall. | Wood. |

Nays—3.

| | |
|-----------|-------|
| Clark. | Woods |
| McNealus. | |

Absent.

| | |
|--------|-----------|
| Lewis. | Richards. |
|--------|-----------|

Absent—Excused.

| | |
|----------|---------|
| Carlock. | Page. |
| Dorough. | Suiter. |

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 104 put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|------------|------------|
| Bailey. | Hertzberg. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Buchanan. | Murphy. |
| Clark. | Parr |
| Cousins. | Rogers. |
| Darwin. | Russell. |
| Davidson. | Watts. |
| Dudley. | Williams. |
| Fairchild. | Witt. |
| Floyd. | Wood. |
| Hall. | Woods |
| Harp. | |

Absent.

| | |
|--------|-----------|
| Lewis. | Richards. |
|--------|-----------|

Absent—Excused.

| | |
|----------|---------|
| Carlock. | Page. |
| Dorough. | Suiter. |

The bill, Senate Bill No. 104, was read third time and finally passed.

Senator McNealus asked unanimous consent that the record show that he be recorded as voting "Nay."

Senate Bill No. 101.

Senator McNealus called up from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 101, A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature as amended by Section 2 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Section 1, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature by increasing the annual license fee on commercial vehicles and interurban commercial vehicles, and amending Section 16a added to Chapter 190 of the General Laws of the Regular Session of the Thirty-

fifth Legislature by Section 2 of Chapter 113 of the Acts of the Regular Session of the Thirty-sixth Legislature by increasing the license fee on commercial and interurban commercial vehicles based upon carrying capacity and per mile traveled, and declaring an emergency."

Pending.

Senate Bill No. 134.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 134, A bill to be entitled "An Act creating, establishing and providing for the maintenance of a State Tuberculosis sanatorium for ex-service men, and declaring an emergency."

Pending discussion, on motion of Senator Rogers, the bill was laid on the table subject to call.

Senate Bill 101.

Action recurred on the pending business, Senate Bill 101, and on motion of Senator McNealus, the bill was laid on the table subject to call.

Senate Bill No. 112.

Senator McNealus called up, from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 112, A bill to be entitled "An Act to amend Article 1121 of the Revised Civil Statutes of the State of Texas (prescribing the purposes for which private corporations may be organized) by adding thereto Section 81, authorizing the organization of holding companies for the purpose of dealing in the capital stock, bonds, mortgages, debentures, notes, and other securities and evidences of indebtedness of other corporations."

The bill was read second time and passed to engrossment.

On motion, of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 112 put on its third reading and final passage, by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Buchanan. | Murphy. |
| Clark. | Parr. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Hall. | Wood. |
| Harp. | Woods. |
| Hertzberg. | |

Absent—Excused.

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|----------|---------|
| Carlock. | Page. |
| Dorough. | Suiter. |

Pending discussion, on motion of Senator McNealus, the bill was laid on the table subject to call.

Executive Message.

Governor's Office,
Austin, Texas, Feb. 7, 1921.

To the Members of the Senate and House of Representatives.

Gentlemen: In studying the workings of our State Government, I am being impressed more and more each day that the one thing to which we should give our attention at this time is seeing to it that the machinery of our government, in all its parts, is put in proper condition to be economically and efficiently operated. Not only is the State overloaded with Boards and Commissions that overlap and duplicate, but I discover that some of the departments in the handling of money do not recognize, nor are they responsible to the supreme law-making body of the State. Under our system of government all officers and departments created by the Legislature should be directly responsible to and under the direct supervision of the Legislature. It is not a wise policy to permit any officer of any department of the government to collect fees and to appropriate such fees, as he pleases, to the running expenses of his particular department. All public funds should not only be turned into the State Treasury, but should be paid out by direct and specific legislation. No department of this government should be permitted to employ assistants, either as to number or salary, without its payroll

being subjected to the wisdom of the Legislature. Not to thus regulate the departments is to make possible leaks and encourage extravagance. I, therefore, recommend for your earnest consideration the enactment of a general law, repealing the provisions of the Highway Commission Law, the Game, Fish and Oyster Commission Law, the Agricultural & Mechanical College Law, and every other law that permits or authorizes any department of this government to enroll as many employes as said department may desire, and to pay said employes any salary that may please the fancy of the temporary head of such department. To illustrate: The Highway Department has on its payroll at this time, sixty-seven employes, paying therefor each month the sum of \$9,488.32. In addition to this, there has been carried by this department for the past month a special payroll of thirty-six persons who worked part of the time, the aggregate salary of these for the month being \$786.85, making a grand total of \$10,275.17 per month, or an annual payroll of over one hundred and twenty-three thousand dollars. This amount is exclusive of the salaries of the members of the Commission. There is no doubt that correct governmental principles would require that such a vast department of the State government as this should be under the direct supervision of the Legislature, in order that it may judge as to the number of employes and salary paid therefor. This is not only important as a matter of economy, but also to the end that all the employes of the State might receive something like uniform compensation for like service rendered. If the various departments of the government are left at liberty to pay salaries according to the pleasure of such department, it is very apparent that gross irregularities and injustice will exist. Such a slipshod system of this kind begets extravagance. It would not be tolerated for an hour by any well-organized private business. The very best methods used by successful private enterprises are none too good to be invoked by all of us who are charged with the responsibility of expending the people's money.

What has been said as a reason for specific and direct legislation looking to the curbing of extravagance, to the equalization of salaries for like service, to the minimizing of

the possibility of leaks, to the efficiency of government as applicable to the Highway Department, applies with equal force to the Game, Fish and Oyster Commission, to one of the sub-departments of the A. & M. College, and perhaps to other departments that I have had no opportunity to investigate. The Game, Fish and Oyster Department has a payroll of thirty-six persons with approximately fifty thousand dollars a year as compensation. The law should be repealed giving to this department authority to collect and spend its fees as it sees fit. The Pure Feed Department of the A. & M. College collects and spends, at its pleasure, both as to salary and number of employes, about eighty thousand dollars a year. This eighty thousand dollars belongs to the State and should not only be put into the State Treasury but should not be paid out to any one, except by direct legislation. A general law that will apply to every department of the government in regard to the number of its employes and the disbursing of money should be enacted. In making these suggestions, I am not thinking of the individuals who may be temporarily connected with these departments, I only wish to shear every department of the government of that power in regard to the expenditure of money that under our system of government belongs to the law-making body of the State.

Yours for a business-like administration of governmental affairs,
PAT M. NEFF,
Governor.

Recess.

On motion of Senator Clark, the Senate, at 12:20 o'clock p. m. recessed until 3 o'clock today.

After Recess—Afternoon Session.

The Senate was called to order by Senator Bailey, President Ad Interim.

House Bill No. 6.

The Chair laid before the Senate, on third reading,

H. B. No. 6, A bill to be entitled "An Act to amend Article 4081 of the Revised Civil Statutes of the State of Texas, so as to provide for

the appointment of a guardian of a person of unsound mind or an habitual drunkard, on a hearing before the court, without the necessity of a jury trial, which will be granted if requested, as set out in Title 64, Chapter 16, Revised Civil Statutes of the State of Texas, providing for 'Guardianship of persons of unsound mind and habitual drunkards,' and validating all appointments heretofore made without a jury trial."

The bill was read third time and passed finally.

Senate Bill No. 43.

The Chair laid before the Senate on third reading,

S. B. No. 43, A bill to be entitled "An Act to amend Article 900, Title 10, of the Code of Criminal Procedure of the State of Texas of 1911, so as to make bail bonds good in all criminal cases until verdict or judgment and until the defendant is taken in custody by the sheriff, as amended by Chapter 10 of the General Laws of the Thirty-fifth Legislature, 1907, and extending the same for a period of thirty days after the date of overruling of the motion for a new trial."

The bill was read third time and passed finally.

Senate Bill No. 72.

The Chair laid before the Senate, on third reading,

S. B. No. 72, A bill to be entitled "An Act authorizing certain officers of the University of Texas to make certified copies of public records deposited in the Library of that institution and providing that said certified copies shall be lawful and have the same force and effect as is made by the county clerks of the counties from whence the same are transferred; and authorizing county commissioners and other custodians of public documents, in their discretion, to lend to the University of Texas those public records in their custody which are mainly of historical value, to enable that institution to make copies for historical study and declaring an emergency."

The bill was read third time and passed finally.

Senate Concurrent Resolution No. 3.

The Chair laid before the Senate, S. C. R. No. 3, providing for the calling a constitutional convention.

On motion of Senator McNealus, the resolution was laid on the table subject to call.

Senate Bill No. 120.

The Chair laid before the Senate, on second reading,

S. B. No. 120, A bill to be entitled "An Act amending Chapter 15 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, entitled: 'An Act providing that the interest of a mortgagee or trustee under any fire insurance policy shall not be invalidated by any act or neglect of the mortgagor or owner of the property insured by said policy or the happening of any condition beyond his control, and declaring void any stipulation in any fire insurance policy contract in conflict herewith,' and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 120 put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|------------|-----------|
| Railey. | McMillin. |
| Raugh. | McNealus. |
| Bledsoe. | Murphy. |
| Buchanan. | Parr. |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dudley. | Russell. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Hall. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods. |
| Lewis. | |

Absent.

| | |
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| Clark. | Cousins. |
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Absent—Excused.

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| Carlock. | Page. |
| Dorough. | Suiter. |

The bill (S. B. No. 120) was read third time and passed, by the following vote:

Yeas—24.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | Murphy. |
| Buchanan. | Parr |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dudley. | Russell. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Hall. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods |

Absent.

| | |
|----------|-----------|
| Clark. | McNealus. |
| Cousins. | |

Absent—Excused.

| | |
|----------|---------|
| Carlock. | Page. |
| Dorough. | Suiter. |

Senate Bill No. 31.

Senator Dudley here moved to reconsider the vote by which the Senate refused to pass Senate Bill No. 31, which action was taken on the last legislative day prior to today.

The motion to reconsider prevailed.

Senator Dudley then moved that the bill be laid on the table subject to call.

Senate Concurrent Resolution No. 14.

By Senator McNealus:

Whereas, a desire has been expressed, and request made of the Legislature, by the managing authorities of the University of Texas, for the removal of that institution from its present site in the city of Austin, Travis County, Texas, to another location; and,

Whereas, unofficial, but apparently semi-official, statements have been made that the expense for such removal to a site desired, will cost the taxpayers of the State of Texas an estimated sum of from eight millions to ten millions of dollars; and,

Whereas, various communities in Texas have indicated a desire, and various elements expressed a wish to have an opportunity to vote on the re-location of the University of Texas in some other community or part of the State than that in which it is now located; therefore, be it

Resolved, By the Senate of Texas,

the House of Representatives concurring, that the relocating of the University of Texas be submitted to a vote of the qualified electors of the State, and an election be held for that purpose on the fourth Saturday in July, 1922. At said election, the candidates for the re-location of the site of the University of Texas shall file with the Secretary of State, not later than the first Monday in May, 1922, such candidacy, specifying the location as to land to be occupied, county and community in which to be located. A sum of money not less than Ten Million Dollars shall be guaranteed as a free contribution to the State of Texas, and also not less than Five Hundred (500) acres of land shall be guaranteed, with absolutely perfect title, to the State of Texas, by each candidate competing for the re-location of the University of Texas on such site.

On the ballots to be used at such election shall be printed the names of candidates for the proposed site for the University of Texas; said ballots to be prepared by the Secretary of State, and copies furnished to the proper election officers of the several counties in Texas, for use in the election herein provided for.

The election hereby provided for shall be governed and controlled by the laws now in force in regard to general elections, as to qualifications of voters and duties of election officers. Returns of said election shall be made by the election officers of each county to the County Judge within thirty days after such election.

The County Judges of the several counties of the State shall transmit the vote of their several counties and respective counties to the Secretary of State within ten days after receiving the returns. The candidate for the re-location of the site of the University of Texas receiving the largest number of votes shall be declared to have been chosen by the people of Texas for such re-location.

A Board, consisting of the Governor, the Attorney General and the Superintendent of Public Education, shall have charge of the general details of the re-location of the University of Texas, after it shall be determined at the election to re-locate the same. The expenditure of the money herein guaranteed, upon the land as provided herein to be determined by them, but in no wise shall this Board, or any other authority have power to change the manage-

ment of the University, its duties, the equipment now in possession of the institution, or the powers now exercised by the Legislature of Texas in its legislative capacity to control the affairs of the University as now vested in the Legislature by the Constitution of Texas.

Resolved, That the sum of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay expenses of said election for relocation of the site of the University of Texas. Same to be expended as provided for by law for expenses of general elections in this State.

On motion of Senator McNealus, the resolution was laid on table until tomorrow morning after the morning call. The motion was adopted.

Senate Bill No. 48.

Senator Floyd called up from the table, and the Chair laid before the Senate on second reading.

S. B. No. 48, A bill to be entitled "An Act to fix a uniform date on which county and precinct officers shall qualify and take over the duties of their respective offices, following their election, and to repeal all laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 48 put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | Murphy. |
| Buchanan. | Parr |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Hall. | Wood. |
| Harp. | Woods |
| Hertzberg. | |

Absent.

| | |
|--------|-----------|
| Clark. | McNealus. |
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Absent—Excused.

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| Carlock. | Page. |
| Dorough. | Suiter. |

The bill (S. B. No. 48) was read third time and passed finally.

House Concurrent Resolution No. 11.

The Chair laid before the Senate, House Concurrent Resolution No. 11, Providing for printing maps for use of Legislature in considering the redistricting measures.

The resolution was laid on the table subject to call.

Senate Bill No. 170.

(By unanimous consent on request of Senator Parr)

The Chair laid before the Senate, on second reading,

S. B. No. 170, A bill to be entitled "An Act to incorporate Hebbronville Independent School District, Jim Hogg County, Texas."

On motion of Senator Parr, the Senate rule requiring committee reports to lie over for one day, was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 170 put on its third reading and final passage by the following vote:

Yeas—26.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Buchanan. | Murphy. |
| Cousins. | Parr |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dudley. | Russell. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Hall. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods |

Absent.

Clark.

Absent—Excused.

| | |
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| Carlock. | Page. |
| Dorough. | Suiter. |

The bill (S. B. No. 170) was read third time and passed by the following vote:

Yeas—26.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Buchanan. | Murphy. |
| Cousins. | Parr |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dudley. | Russell. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Hall. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods |

Absent.

Clark.

Absent—Excused.

| | |
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| Carlock. | Page. |
| Dorough. | Suiter. |

Senate Bill No. 22.

The Chair laid before the Senate, on second reading,

S. B. No. 22, A bill to be entitled "An Act to regulate the business of banking in this State when conducted by private individuals, partnerships or association of private individuals or by concerns operating under charters obtained in Texas prior to the adoption of the Constitution of 1876; to require the Commissioner of Insurance and Banking to make periodical examinations and report of the condition of the affairs of such banks; to provide for the publication of such reports; to compel all such banks to submit to such examinations and reports and to pay the expenses of the same; to define what shall constitute violations of this Act and prescribing penalties for the same; to provide for the liquidation for all such banks when insolvent or about to become so; and prescribing the duties of the Attorney General as to taking steps to close up and force the liquidation of such banks in certain contingencies, and to forfeit the banking privileges of the charter of any bank so liquidated; to provide that all private banks shall cease to operate in this State after January 1, A. D. 1922, and prescribing penalties for operating such banks after said date;

repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and, on motion of Senator Dudley, laid on the table subject to call.

Senate Bill No. 24.

Senator McNealus called up from the table, and the Chair laid before the Senate on second reading,

S. B. No. 24, A bill to be entitled "An Act to amend Article 1428, Title 17, Chapter 18, Penal Code of Texas, relating to obtaining board or lodging or anything of value under false pretenses, drawing or delivering any check, draft or order to defraud; fixing penalty; providing that certain facts shall be prima facie evidence; making the law culminate, and declaring an emergency."

On the question to engross the bill, the Senate refused to pass same to engrossment.

Senate Bill No. 12.

The Chair laid before the Senate on second reading,

S. B. No. 12, what is known as the Utility bill.

On motion of Senator Buchanan, the bill was laid on the table subject to call.

Senate Bill No. 17.

The Chair laid before the Senate, on second reading,

S. B. No. 17, A bill to be entitled "An Act relating to the Highway Commission to establish a cement plant, etc."

On motion of Senator Buchanan the bill was laid on the table, subject to call.

Senate Bill No. 90.

The Chair laid before the Senate, on second reading,

S. B. No. 90, A bill to be entitled "An Act to exempt from taxation all property belonging to Art Leagues and Societies of Fine Arts, whether incorporated or not, which are devoted wholly and without charge to the promotion of education and learning and not for profit, and de-

declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 70 was put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoc. | McNealus. |
| Buchanan. | Murphy. |
| Cousins. | Parr |
| Darwin. | Rogers. |
| Davidson. | Russell. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Hall. | Wood. |
| Harp. | Woods |
| Hertzberg. | |

Absent.

| | |
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| Clark. | Richards. |
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Absent—Excused.

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| Carlock. | Page. |
| Dorough. | Suiter. |

The bill was read third time.

On motion of Senator Murphy, the bill was laid on the table subject to call.

Senate Bill No. 16.

The Chair laid before the Senate, on second reading,

S. B. No. 16, A bill to be entitled "An Act to amend Article 1521 of the Revised Civil Statutes of Texas, defining the jurisdiction of the Supreme Court as amended by the Acts of 1913, page 107, further limiting the jurisdiction of the Supreme Court, and declaring an emergency."

On motion of Senator Davidson, the bill was laid on the table subject to call.

Senate Bill No. 37.

The Chair laid before the Senate, on second reading,

S. B. No. 37, A bill to be entitled "An Act authorizing the City Council

or Commission of any incorporated town or village of five thousand or less inhabitants to employ an attorney for the purpose of collecting delinquent city taxes, where there is no City Attorney or where the City Attorney is disqualified or fails or refuses to institute and prosecute suit or suits for the collection of such delinquent taxes, and providing method of compensation for such attorney and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 93.

The Chair laid before the Senate, on second reading,

S. B. No. 93, A bill to be entitled "An Act to amend Chapter 47 of the General Laws of the State of Texas, passed at the Third Called Session of the Thirty-sixth Legislature, 1920, entitled 'An Act to amend Chapter 111 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-sixth Legislature, 1919,' relating to official shorthand reporters' compensation in certain counties and districts in this State; by providing that in a district wherein in any county in the district the term may continue until the business is disposed of, each county shall pay in proportion to the time court is actually held in such county, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williams, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 93 put on its third reading and final passage by the following vote:

Yeas—26.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Buchanan. | Murphy. |
| Cousins. | Parr |
| Darwin. | Richards. |
| Davidson. | Rogers. |
| Dudley. | Russell. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Hall. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods |

Absent.

Clark.

Absent—Excused.

Carlock. Page.
Dorough. Suiter.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

| | |
|------------|-----------|
| Bailey. | McMillin. |
| Baugh. | Murphy. |
| Bledsoe. | Parr |
| Buchanan. | Richards. |
| Cousins. | Rogers. |
| Davidson. | Russell. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Hall. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods |
| Lewis. | |

Absent.

| | |
|---------|-----------|
| Clark. | Floyd. |
| Darwin. | McNealus. |

Absent—Excused.

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| Carlock. | Page. |
| Dorough. | Suiter. |

Senate Bill No. 99.

The Chair laid before the Senate, on second reading,

S. B. No. 99, A bill to be entitled "An Act to amend Article 3631, Chapter 32, of Revised Civil Statutes of Texas, 1911, providing for appeals to the District Court from judgments and orders of the county court in probate matters, regulating pending litigation repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Davidson, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 99 put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|-----------|------------|
| Bailey. | Cousins. |
| Baugh. | Davidson. |
| Bledsoe. | Dudley. |
| Buchanan. | Fairchild. |

| | |
|------------|-----------|
| Harp. | Rogers. |
| Hertzberg. | Russell. |
| Lewis. | Watts. |
| McMillin. | Williams. |
| Murphy. | Witt. |
| Parr | Wood. |
| Richards. | Woods |

Absent.

| | |
|---------|-----------|
| Clark. | Hall. |
| Darwin. | McNealus. |
| Floyd. | |

Absent—Excused.

| | |
|----------|---------|
| Carlock. | Page. |
| Dorough. | Suiter. |

The bill was read third time and passed finally.

Senate Bill No. 60.

The Chair laid before the Senate, on second reading,

S. B. No. 60, A bill to be entitled "An Act restricting and limiting the publication of decisions issuing from the courts of Civil Appeals, requiring each of said courts, upon rendering any opinion, to endorse thereon whether or not said opinion is to be officially reported for publication; making it unlawful to publish, sell or own any book or bound volume containing decisions not designated for publication."

Action recurred on the committee report, which recommended a substitute bill.

The committee report was adopted. Pending discussion, Senator Witt offered the following amendment, which was read and adopted:

Amend committee substitute to S. B. No. 60, by striking out of the printed bill in lines 18, 19 and 20, the words beginning with the word "in," in line 18, and ending with the first word of line 20, being the word "and."

The bill, having been read second time, the question was on engrossment, and the Senate refused to order the bill engrossed, by the following vote:

Yeas—10.

| | |
|------------|---------|
| Bailey. | Harp. |
| Baugh. | Lewis. |
| Cousins. | Rogers. |
| Davidson. | Watts. |
| Fairchild. | Witt. |

Nays—11.

| | |
|------------|-----------|
| Bledsoe. | Parr |
| Darwin. | Russell. |
| Dudley. | Williams. |
| Hertzberg. | Wood. |
| McMillin. | Woods |
| Murphy. | |

Present—Not Voting.

| | |
|-----------|-----------|
| Buchanan. | McNealus. |
| Floyd. | |

Absent.

| | |
|--------|-----------|
| Clark. | Richards. |
| Hall. | |

Absent—Excused.

| | |
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| Carlock. | Page. |
| Dorough. | Suiter. |

Senate Bill No. 50.

The Chair laid before the Senate on second reading,

S. B. No. 50, A bill to be entitled "An Act repealing Chapter 191 of the Thirty-fifth Legislature, passed at its Regular Session in 1917 and being entitled 'An Act to provide for the establishment, maintenance and government of two State normal schools, providing for the location of same, and declaring an emergency'; canceling and annulling all acts done and in pursuance of said Chapter 191; providing for a committee to report for repayment of moneys paid out by order of any of the officers, agents or employees of the State by virtue of the authority of said Chapter 191, by the towns in which said colleges may have been located; providing for the payment of said moneys and the expenses of said committee, and declaring an emergency."

There being a majority (favorable) committee and a minority (unfavorable) report, action recurred on the majority (favorable) report.

Senator Richards moved to adopt the majority report.

Senator Fairchild moved, as a substitute, that the minority, adverse, report be adopted.

Action recurred on the substitute motion first, and the same was adopted by the following vote:

Yeas—19.

| | |
|----------|--------|
| Failley. | Baugh. |
|----------|--------|

| | |
|------------|-----------|
| Bledsoe. | McNealus. |
| Cousins. | Murphy. |
| Darwin. | Parr |
| Davidson. | Russell. |
| Dudley. | Watts. |
| Fairchild. | Williams. |
| Floyd. | Witt. |
| Harp. | Wood. |
| Hertzberg. | |

Nays—6.

| | |
|-----------|-----------|
| Buchanan. | Richards. |
| Lewis. | Rogers. |
| McMillin. | Woods |

Absent.

| | |
|--------|-------|
| Clark. | Hall. |
|--------|-------|

Absent—Excused.

| | |
|----------|---------|
| Carlock. | Page. |
| Dorough. | Suiter. |

Senator Fairchild moved to reconsider the vote by which the Senate adopted the adverse report and table the motion to reconsider.

The motion prevailed.

Refuse to Adjourn.

Senator Dudley, at 5:30 o'clock p. m. moved that the Senate adjourn until 10 o'clock tomorrow morning.

The yeas and nays were called for the motion to adjourn was lost by the following vote:

Yeas—11.

| | |
|-----------|-----------|
| Bailey. | Parr. |
| Baugh. | Rogers. |
| Darwin. | Watts. |
| Davidson. | Williams. |
| Dudley. | Woods. |
| McMillin. | |

Nays—12.

| | |
|------------|-----------|
| Cousins. | McNealus. |
| Fairchild. | Murphy. |
| Floyd. | Richards. |
| Harp. | Russell. |
| Hertzberg. | Witt. |
| Lewis. | Wood. |

Present—Not Voting.

| |
|-----------|
| Buchanan. |
|-----------|

Absent.

| | |
|----------|-------|
| Bledsoe. | Hall. |
| Clark. | |

Absent—Excused.

Carlock. Page.
Dorough. Suiter.

Senate Bill No. 69.

Senator Fairchild moved to reconsider the vote by which the Senate postponed the consideration of Senate Bill No. 69 indefinitely.

The motion to reconsider was adopted by the following vote:

Yeas—12.

| | |
|------------|-----------|
| Cousins. | Richards. |
| Davidson. | Rogers. |
| Fairchild. | Russell. |
| Harp. | Watts. |
| Lewis. | Witt. |
| Murphy. | Wood. |

Nays—8.

| | |
|------------|-----------|
| Darwin. | McNealus. |
| Dudley. | Parr. |
| Hertzberg. | Williams. |
| McMillin. | Woods. |

Present—Not Voting.

| | |
|---------|-----------|
| Bailey. | Buchanan. |
| Baugh. | |

Absent.

| | |
|----------|--------|
| Bledsoe. | Floyd. |
| Clark. | Hall. |

Absent—Excused.

| | |
|----------|---------|
| Carlock. | Page. |
| Dorough. | Suiter. |

Senator Witt then moved that Senate Bill No. 69 be laid on the table subject to call.

The motion was adopted by the following vote:

Yeas—12.

| | |
|------------|----------|
| Buchanan. | Murphy. |
| Cousins. | Rogers. |
| Davidson. | Russell. |
| Fairchild. | Watts. |
| Harp. | Witt. |
| Lewis. | Wood. |

Nays—8.

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| Darwin. | Parr. |
| Dudley. | Richards. |
| Hertzberg. | Williams. |
| McMillin. | Woods. |

Adjournment.

Senator Parr here called up, from the table,

Senate Bill No. 69, and, pending discussion, Senator Darwin moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was adopted by the following vote:

Yeas—11.

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| Bailey. | Murphy. |
| Cousins. | Rogers. |
| Davidson. | Watts. |
| Harp. | Witt. |
| Lewis. | Wood. |
| McNealus. | |

Nays—10.

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| Darwin. | Parr. |
| Dudley. | Richards. |
| Fairchild. | Russell. |
| Hertzberg. | Williams. |
| McMillin. | Woods. |

Present—Not Voting.

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| Baugh. | Buchanan. |
|--------|-----------|

Absent.

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| Bledsoe. | Floyd. |
| Clark. | Hall. |

Absent—Excused.

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| Carlock. | Page. |
| Dorough. | Suiter. |

APPENDIX.

Petitions.

Senator Parr offered, and had read, a communication from a former student of A. and M. College, now attending the University of Arkansas, vigorously protesting against severe hazing administered to him and others while in attendance at A. and M. College, and urging the passage of a law to prohibit hazing.

Senator Buchanan offered, and had read, a petition from Clifton, Texas, urging that the University of Texas be moved to the Central part of the State.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 7, 1921.
Hon. Lynch Davidson, President of the Senate.
Sir: We, your Committee on

Criminal Jurisprudence, to whom was referred

S. B. No. 187, A bill to be entitled "An Act to amend Article 1180, Vernon's Code of Criminal Procedure of the State of Texas, defining fees of district and county attorneys in justices court; repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 189, A bill to be entitled "An Act fixing the maximum amount of fees allowed county attorneys in counties containing a city of 25,000 inhabitants or in such counties as shown by the U. S. census shall contain as many as 50,000 inhabitants repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 188, A bill to be entitled "An Act to amend Article 1168, Vernon's Code of Criminal Procedure of the State of Texas, fixing fees of the District and County attorneys in the District and County Courts; repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 85, A bill to be entitled "An Act prohibiting and making unlawful use of the name of the United States Government or any Department thereof, as part of the trade name, of persons, associations or corporations engaged in the business of selling army goods to the public; providing for the punishment for violations of said Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 92, A bill to be entitled "An Act to provide for the suspension of sentence in certain felony cases, prescribing conditions under which application therefor may be made, the form of such application, the form of judgment where suspension is recommended by the jury, supervision by the court during the term of suspension, the manner of putting into effect the sentence suspended upon a subsequent conviction for felony, the manner of setting aside the judgment suspending sentence, the manner of collecting, preserving and dispensing information concerning those convicted of felonies, defining 'conviction,' repealing all laws in conflict and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 157, A bill to be entitled "An Act making it unlawful for any person to use or remove, from its moorings without the owner's consent, any boat of any size, character or kind, or to remove therefrom any oar or oars, row-locks, oar-locks,

In Memory and Honor
of
Wiley Mangum Imboden

SIMPLE RESOLUTION NO. 43.

Whereas, In the death of Wiley Mangum Imboden, former member of this Senatorial body, at his home in Alto, Texas, on February 3rd, 1921, this Senate has been called upon to mark the passing of one who for many years rendered conspicuous service to his district in the capacity of Senator, and the State of Texas has sustained the loss of one of its most active and useful citizens; be it, therefore,

Resolved, By the Senate of Texas, that we, as a body, desire to pay tribute to the high character and worth of our departed former associate, and to the useful service rendered by him to the State of Texas; and be it further

Resolved, That this Senate extend its heartfelt sympathy to the bereaved wife and sons who have suffered an irreparable loss in the calling of husband and father from this earthly sphere of usefulness, and from his home and fireside; and that a copy of these resolutions be duly printed as a memorial in the Senate Journal of this date, and that a copy be sent to the family, in the token of our deep respect.

FAIRCHILD.

The resolution was read and unanimously adopted by a rising vote.

anchor, anchor chains, anchor rope, paddles, seats, planks, poles or rigging of any kind belonging to such boat or vessel, that are capable of being operated on the bays, lakes and rivers, oceans or waters of this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 141, A bill to be entitled "An Act making it a felony to withdraw collateral pledged to a bank on a trust, or other form of receipt, when so withdrawn to use, sell, or repledge or otherwise dispose of same for any other purpose than that of paying the indebtedness; etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 40, A bill to be entitled "An Act relating to vehicles and their use on the public highways of this State; providing for the registration of motor vehicles and trailers and regulating the sale and transfer thereof; prescribing penalties for the theft of a motor vehicle and for other violations of this Act; and repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to make this amended report back to the Senate with the recommendation that the Committee substitute do pass, and that the bill be not printed, but that the Committee substitute be printed.

HERTZBERG, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, a minority of your Com-

mittee on Criminal Jurisprudence, to whom was referred

S. B. No. 136, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6 and 7 of Chapter 7, of the General Laws of the Regular Session of the Thirty-third Legislature, approved February 11th, 1913; providing for the suspension of sentence in certain cases of conviction of a felony for first offense, upon recommendation of the jury; etc.."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

DUDLEY.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 136, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6 and 7 of Chapter 7 of the General Laws of the Regular Session of the Thirty-third Legislature, approved Feb. 11th, 1913; providing for the suspension of sentence in certain cases of conviction of a felony for first offense, upon recommendation of the jury; etc.."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 31, A bill to be entitled "An Act making it a misdemeanor for any person to ask, solicit, demand, charge or receive, directly or indirectly, from any other person, corporate or otherwise, any money, reward, favor, benefit, or other thing of value, or the promise of either, as a consideration or inducement for procuring or effecting, or with the view, purpose or intent that such person may, can or will, or may, can or will seek or undertake to, procure or effect any preference in the receipt, carriage, transportation, movement, placing, storing, landing, caring for or delivery of any

freight, commodity, or article, or any railroad car or cars, by any common carrier, in the State, or by any agent or employe of such common carrier, and prescribing a penalty therefor, defining the word "preference" as used in this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 64, A bill to be entitled "An Act to amend Section 1, of Chapter 27, of an Act passed at the Regular Session of the Thirty-second Legislature, entitled, 'An Act to provide additional compensation to all Judges of the District Courts, District Attorneys of the State of Texas, and to the Judges of the Criminal District Courts of Harris and Galveston Counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and providing that this Act shall apply to the Judges of all of the Criminal District Courts of this State, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency,'" "

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RICHARDS, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 7, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

S. B. No. —, A bill to be entitled "An Act amending Section 20 of Chapter 68, of the local and special laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session by providing that the Board of Trustees of Pharr-San Juan Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes;

providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 40, A bill to be entitled "An Act relating to vehicles and their use on the public highways of this State; providing for the registration of motor vehicles and trailers and regulating the sale and transfer thereof; prescribing penalties for the theft of a motor vehicle and for other violations of this Act; and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 156, A bill to be entitled "An Act empowering the city council, board of aldermen, or governing body of any city or town in the State of Texas of more than 5,000 inhabitants, to determine, fix and regulate rates, charges, fares and compensation to be charged by certain public utility companies, and to prescribe rules and regulations relating to such companies, and to fix penalties to enforce the action of any such city or town in regard thereto, and declaring an emergency,"

Have had same under final consideration, and I am instructed to report the same back to the Senate, as amended in the committee, with the recommendation that it do pass.

WATTS, Chairman.

(As Amended in Committee.)

Amend the bill by striking out the

following: "provided, that in adopting such regulations and in fixing or changing such rates, charges, fares, or compensation, and in determining the reasonableness thereof, no stock or bonds authorized or issued by any such company, enjoying the franchise to furnish any such service or commodity in any such city or town, shall be considered, unless proof be made that the same have been actually issued by the company for money paid and used for the necessary development of the company's property, labor done, or property actually received in accordance with the laws and Constitution of the State of Texas applicable thereto;" appearing at the top of page 2 of the bill.

Committee Room,

Austin, Texas, Feb. 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 129, A bill to be entitled "An Act providing for an effective system of public school administration through State, county and district boards and public school officials, defining the powers and duties of each, and defining the districts over which certain boards shall have control, amending Articles 4509, 4510, 4515, 2750, 2755, 2825, 2826, 2767, 2818 and 2821 of the Revised Civil Statutes of 1911, repealing Article 2819 (as amended by Section 1, Chapter 132, Acts of the Thirty-fourth Legislature), repealing Article 2763 and Article 2758 as amended by Chapter 41, Acts of the Fourth Called Session of the Thirty-fifth Legislature, and by Chapter 36, Acts of the Third Called Session of the Thirty-sixth Legislature, and making substitutes therefor, amending Sections 2, 10, 11, 12 and 13, Chapter 36, Acts of the Thirty-fourth Legislature, amending Sections 70 and 71, Chapter 124, Acts of the Twenty-ninth Legislature, providing such new sections as are necessary for the purposes of the Act, repealing all laws or parts of laws in conflict with the provisions of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 130, A bill to be entitled "An Act amending the laws relating to text books for the purpose of securing greater efficiency in uniform text book adoptions, and free text book distribution, and extending its operation, prescribing what school employees may not handle text books and school furniture and school equipment, providing for office space and equipment for county superintendents handling free text books, amending Sections 1, 3, 4, 5 and 21, Chapter 44, Acts of the First Called Session of the Thirty-fourth Legislature, and Sections 6 and 10 of Chapter 29, Acts of the Thirty-sixth Legislature, and Articles 2904 and 3905, Revised Civil Statutes of 1911; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 155, A bill to be entitled "An Act creating the Laneville Independent School District of Rusk County; defining its boundaries; vesting it with the rights, powers, duties, and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 179, A bill to be entitled "An Act creating the Luling Independent School District in Caldwell County, Texas; defining its boundaries; providing for a board of trustees in said

district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing for the election of a board of trustees and for their successors in office; providing for an assessor and collector of taxes and board of equalization; conferring upon said district the authority to extend its boundaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 160, A bill to be entitled "An Act creating the Hammond Independent School District of Roberston County, Texas, as is included by the field notes as follows: Defining its boundaries, investing it with the rights, powers and duties and privileges of a district incorporated for school purposes under the General Law; providing for a Board of Trustees therefor; making provisions for taxation for school purposes in said district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 170, A bill to be entitled "An Act to incorporate the Hebbronville Independent School District, Jim Hogg County, Texas, placing the said independent school district under the general statutes governing school districts incorporated for school purposes only, under the General Laws of Texas; providing for a Board of Trustees therefor; providing for the assumption and refunding by the said Hebbronville Independent School Dis-

trict as herein defined of the bonded and other indebtedness of Common School District No. 1 of Jim Hogg County, Texas; providing for the payment by the Hebbronville Independent School District of the pro rata share of the bonded indebtedness of the Benavides Independent School District and validating said obligation; providing for commissioners to fix said pro rata share of said bonded indebtedness and expenses of said commissioners; repealing all laws in so far as they might conflict herewith; and creating an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We your Committee on Educational Affairs, to whom was referred S. B. No. 184, A bill to be entitled "An Act creating the Desdemona Independent School District in Eastland County, Texas; defining its boundaries, such boundaries to be the same as Common School District No. 41, of Eastland County; providing for a Board of Trustee in said district; conferring upon said district and its Board of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the Board of Trustees thereof; providing that the present Board of Trustees of said Common School District No. 41 shall continue in office until the first Saturday in April, 1921, or until their successors are elected and qualified; and providing that such trustees shall have the power to appoint four other trustees; providing for an election to be held on the first Saturday of April, 1921, to elect the successors of said trustees; declaring the maintenance tax and bond tax heretofore authorized in said Common School District No. 41 to be valid and binding upon said independent school district; providing for an Assessor and Collector of Taxes for said district; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obligations, contracts and indebted-

ness legally existing against Common School District No. 41, are imposed upon the Desdemona Independent School District; providing the title to all property within said district and all funds shall vest in the Board of Trustees, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 150, A bill to be entitled "An Act to amend Chapter One (1), Title 135, of the Revised Civil Statutes of Texas, 1911, relating to wills by adding thereto Article 7857a, providing that clauses in wills attempting to prevent contests thereof shall be void,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Senate Chamber,
Austin, Texas, Feb. 7, 1921

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 48 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 120 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,
Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 118 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 104 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 54 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 23 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 123 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 72 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 43 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 39 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, Feb. 7, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Tuesday, Feb. 8, 1921.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Bledsoe. | McNealus. |
| Buchanan. | Murphy. |
| Clark. | Parr. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Dudley. | Russell. |
| Fairchild. | Watts. |
| Floyd. | Williams. |
| Hall. | Witt. |
| Harp. | Wood. |
| Hertzberg. | Woods. |

Absent—Excused.

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|-----------|---------|
| Carlock. | Page. |
| Davidson. | Suiter. |
| Dorough. | |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

(On account of important business.)

Senator Davidson, on motion of Senator Bailey.

Senator Suiter, for yesterday and all of this week, on motion of Senator McNealus.

See Appendix for Petitions and Committee Reports.

Morning call concluded.

Senate Bill No. 128.

Unanimous consent was granted Senator Bailey to take up for consideration out of its order S. B. No. 128.

The Chair laid before the Senate on second reading.

S. B. No. 128, A bill to be entitled "An Act abolishing the office of Dairy and Food Commissioner of this State, and conferring the authority, powers, duties, functions, rights and liabilities of said Commissioner upon the State Health Officer of the State, abolishing the Dairy and Food Department of this State and providing that the duties and functions of said department shall hereafter vest in the State Health Officer of this State, making available to the State Health Officer all appropriations heretofore made for the Dairy and Food Commissioner, or the Dairy and Food Department, or the Pure Food and Drug Department of this State, to be used by said State Health Officer in the performance and exercise of the duties, authority, powers and functions herein transferred. Authorizing the State Health Officer to dispense with any employee not needed after the consolidation herein authorized, and rearrange the work and duties of the office to avoid duplication of work, and declaring an emergency."

The committee report, with committee amendments, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 128 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.

Baugh.